

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM No. 11223-CII of 2017 in/and
FAO No. M-334 of 2016 (O&M)
Decided on : 22.05.2017**

Shelly

... Appellant

Versus

Robin Mehta

... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

PRESENT: Mr. Vikas Kumar, Advocate
for the appellant.

Mr. C.M. Munjal, Advocate with
Mr. Arpandeeep Narula, Advocate
for the respondent.

AJAY KUMAR MITTAL, J. (Oral)

CM No. 11223-CII of 2017

This is an application filed under Section 151 of the CPC, seeking permission to place on record the settlement-deed dated 28.04.2017 (Annexure A-1) along with Annexures A-2 to A-4 (statements of the parties) and dismissing the present appeal in view of the aforesaid settlement deed.

2. Notice of this application.
3. Mr. Vikas Kumar, Advocate, accepts notice on behalf of the non-applicant/appellant.
4. After hearing learned counsel for the parties and perusing the averments made in the application, the documents referred to above are taken on record.
5. Civil Miscellaneous Application stands disposed of.

FAO No. M-334 of 2016

This Court vide order dated 18.05.2017, has ordered to keep the ten demand drafts amounting to ₹26,50,000/- and one cheque of ₹ 1,00,000/- with the Registrar (Judicial) of this Court in an envelope, with the direction to send the same in Court on the next date of hearing.

2. Learned counsel for the respondent-husband has tendered a

demand draft in the sum of ₹1,00,000/- bearing No. “009357”, dated 19.05.2017, drawn in favour of appellant-wife, in Court today. Photocopy of the same is taken on record, subject to all just exceptions.

3. Today, the said envelope has been produced by the Registrar (Judicial) and the same has been opened in Court. The aforesaid demand drafts along with the fresh demand draft, which has been produced by the learned counsel for the respondent-husband in Court today, have been handed over to the appellant-wife, who is identified by her counsel. The additional cheque for ₹ 1,00,000/-, which was given by the respondent from his own account on 18.05.2017 in Court, has been returned to him in original, however, photocopies of all the tendered demand drafts along with cheque are taken on record, subject to all just exceptions.

4. It has been averred that during the pendency of the appeal, a settlement-deed dated 28th April, 2017 (appended as Annexure A-1) has been arrived at between the parties and both the parties have agreed to remain bound by the terms of the settlement-deed (Annexure A-1). It has been further agreed that the parties shall withdraw all type of civil and criminal cases or applications, filed against each other. In view thereof, prayer for withdrawal of the appeal as well as CMM No.128 of 2016 has been made.

5. Accordingly, the appeal as well as CMM No.128 of 2016 are dismissed as withdrawn. It is, however, made clear that the parties shall remain bound by the terms of the settlement-deed dated 28th April, 2017 (Annexure A-1) and in case the respondent resiles from the settlement deed, it shall be open for the appellant to move an application for revival of the appeal.

(AJAY KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

May 22, 2017

J.Ram

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No