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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 68/2017

VIKRAM JAIN

..... Appellant

Through: Mr.Jagdeep Singh Bakshi, Advocate
with Mr.Abhishek Mohan Sinha, Advocate.

versus

KULDEEP SINGH BHARGAVA & ORS

..... Respondents

Through: Mr.Parveen Kumar Aggarwal, Advocate
for R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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07.11.2017

CM No. 39635/2017 (seeking withdrawal of appeal)

Learned counsels for both the parties submit that the matter has been amicably resolved and settled between the parties on 13.10.2017 before the learned Mediator, Delhi High Court Mediation and Conciliation Centre. Both the learned counsels confirm the mediation settlement. The same is taken on record. The terms and conditions of the mediation settlement are mentioned in Para 5, which are hereby reproduced as under: -.

“5. The following settlement has been arrived at between the Parties hereto:

a. The defendants have paid to the plaintiffs a sum of Rs.2 Crores vide a demand draft No. 076463 141240002 dated 12.10.2017 drawn on HDFC Bank Ltd., The Mall Road, Ludhiana-141001 in favour of Sh. Kuldeep Bhargava, Plaintiff No.1 in full and final settlement of all claims between the parties. A copy of the said draft is annexed herewith as **ANNEXURE-A**. Upon payment of such amount by the

Defendants to the Plaintiff No.1, the MOU dated 07.04.2011 shall stand satisfied. The parties agree that they have no further claims whatsoever on each other.

b. The Plaintiffs shall withdraw the present suit being CS (OS) No. 26/2017 pending before this Hon'ble Court on the next date of hearing.

c. The defendants shall withdraw RFA No. 68/2017 filed by them against the plaintiffs before this Hon'ble Court against the order of the Ld. ADJ in connected proceedings, on the next date of hearing.

d. In addition to this, Criminal Appl. No. 313/2017 entitled Vikram Jain Vs. Kuldeep Bhargava, is pending before the court of Sh. Ajay Parashar, Ld. ASJ, Hisar against the judgment dated 07.06.2017 and order dated 09.06.2017 in proceedings under Section 138 N.I. Act filed by the Defendant No.1 against the Plaintiff No.1. The defendant No.1 shall apply for appropriate relief, including the compounding of the offence, in view of the present settlement, which relief shall not be opposed by the plaintiff No.1 herein before the said court. The said Plaintiff shall cooperate with the Defendant No. 1 in this regard.

e. Similarly, Crl. Appeal No. 333/2017 entitled Kuldeep Bhargava Vs. Vikram Jain has been filed by the plaintiff No. 1 as a cross appeal for enhancement of sentence and compensation, before the Court of Ld. ASJ, Hisar. The plaintiff No.1 shall unconditionally withdraw the said appeal.

f. That the Parties hereto undertake to the Hon'ble Court to remain bound by the terms of settlement and also appear before the Hon'ble Courts for making requisite statements and any other act, deed or thing to give complete effect to the present compromise in true letter and spirit;

g. That in view of the above settlement, on the giving effect to the terms of the present settlement, all the claims of the parties against each other would stand settled for all intents and purposes."

In view of the mediation settlement, learned counsel for the appellant, on instructions, seeks permission to withdraw this RFA. As such the RFA is dismissed as withdrawn. The parties shall remain bound by the terms and

conditions of the mediation settlement dated 13.10.2017.

Trial court record, if received, be sent back forthwith.

The date already fixed i.e. 14.03.2018 is hereby cancelled.

VINOD GOEL, J.

NOVEMBER 07, 2017

"shailendra"