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

+ RFA 136/2011 & C.M. No. 5912/2016

MACHINO POLYMERS LTD Appellant
Through: Mr. Prakash Gautam, Advocate

versus

BRAJ MOHAN GARG Respondent
Through: : Mr. Rakesh Kumar Yadav, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **11.01.2017**

CM APPL. 48239/2016 (joint application u/O XXIII R 3 CPC)

1. The present application has been jointly filed by the parties stating *inter alia* that on 27.10.2016, at the joint request of the counsels for the parties, they were referred to mediation and pursuant thereto, they have arrived at a settlement as recorded in the Settlement Agreement dated 17.12.2016 (Annexure-A) whereunder, the appellant has agreed that the respondent shall be entitled to withdraw the entire amount deposited by it in the Registry, to the tune of Rs.5,43,885/- along with the interest that has accrued thereto.

2. Learned counsel for the parties states that the present appeal may be disposed of in terms of the settlement arrived at between the parties.

3. The Court has perused the application. The same has been signed by the authorized officer of the appellant company, who had filed the affidavit in support of the appeal as also by the respondent and their respective counsels. The application is supported by the affidavits of the signatories to

the application. Enclosed with the application is a copy of the Settlement Agreement dated 17.12.2016, which is stated to have been signed by both the parties and their respective counsels as also by the learned Mediator.

4. As the counsels for the appellant and the respondent jointly state that the parties have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the settlement. The application is allowed and the Settlement Agreement dated 17.12.2016 is taken on record. The parties shall remain bound by the terms and conditions of the said settlement.

5. The respondent is entitled to approach the Registry, through counsel, for release of the amount deposited by the appellant in Court along with the interest if any, accrued thereon.

6. The appeal is disposed of, along with the pending application, while leaving the parties to bear their own expenses.

7. Trial court record be released and the file be consigned to the record room.

HIMA KOHLI, J

JANUARY 11, 2017

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