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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 299/2017

M/S TODAY HOMES & INFRASTRUCTURES PVT LTD

..... Appellant

Through: Mr. Khyati Sharma, Advocate

versus

SURYA ENTERPRISES PVT LTD

..... Respondent

Through: Mr. Gaurav Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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21.09.2017

C.M. No. 10414/2017 (Stay) & C.M.No. 15048/2017 (Modification)

By this application the appellant seeks stay of the impugned judgment and decree passed by the learned Additional District Judge vide order dated 07.11.2016.

This court vide order dated 16th March 2017, granted conditional stay. Thereafter, the appellant has moved another application being C.M.No. 15048/2017 for modification of the order dated 16.03.2017 to the extent permitting the appellant to offer security in compliance of the order.

Perusal of the order dated 16.03.2017 reveals that it is a complete order in itself and the appellant was granted four weeks time to deposit the entire decretal amount with up to date interest, which

has already expired before moving the application. Even otherwise, vide order dated 16.03.2017 it was made clear that in the event the appellant does not make compliance of the order within the time stipulated, then the order shall stand automatically vacated.

In view of the aforesaid facts and circumstances, both the applications are dismissed and disposed of as such.

Learned counsel for the appellant submits that the condition of the order has been duly complied with. Consequently, the application stands disposed of and interim order passed vide order dated 11.11.2016 is made absolute.

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Counsel appearing on behalf of the appellant submits that the parties have entered into a settlement and she has instructions to withdraw the present appeal.

In view of the aforesaid stand taken by the appellant, the present appeal is dismissed as withdrawn.

P.S.TEJI, J

SEPTEMBER 21, 2017

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