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

+ RFA 282/2016 & C.M. No. 17331/2016 (stay)

R K MADHWANI

..... Appellant

Through: Mr. S.C. Singhal, Advocate.

versus

SANJEEV GARG

..... Respondent

Through: Mr. Akhilesh Pradhan, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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08.03.2017

1. The appellant/defendant is aggrieved by the impugned judgment dated 12.1.2016, passed by the learned trial court in a suit for recovery of possession, arrears of rent, *mesne-profits*, damages and permanent injunction instituted by the respondent/plaintiff in respect of a flat situated in Vasant Kunj.
2. The court is informed that during the pendency of the suit, the appellant/defendant had handed over the vacant peaceful possession of the subject premises to the respondent /plaintiff on 07.7.2014. As a result, the impugned judgment is confined to the money decree.
3. In the course of submissions, it was enquired from learned counsels for the parties as to whether they would be in a position to settle the dispute with regard to the amount awarded in favour of the respondent/plaintiff. The matter was passed over at joint request.

4. On the second call, learned counsels for the parties state in unison that they have arrived at a settlement whereunder the respondent/plaintiff is agreeable to accepting a sum of Rs.1,45,000/- in full and final settlement in respect of the impugned judgment and decree. Counsels for the parties state that they have agreed that the aforesaid amount shall be paid by the appellant/defendant in two instalments, 50% of the agreed amount shall be paid to the respondent/plaintiff on or before 21.3.2017 and the balance 50% on or before 30.4.2017. It is further agreed that the appellant/defendant shall hand over two post dated cheques for the above amounts to the respondent/plaintiff through counsel, within one week from today.

5. Learned counsel for the appellant undertakes that the said cheques on being presented, shall be duly honoured and there shall be no default.

6. Learned counsel for the respondent states that in view of settlement recorded herein above, the respondent/plaintiff shall not take any coercive steps against the appellant/defendant till 30.4.2017 and if the agreed amount is received within the timeline, as agreed upon, the execution petition shall be withdrawn.

7. In view of the above, the present appeal is disposed of along with pending application, while binding the parties to the terms and settlement recorded hereinabove and leaving them to bear their own expenses.

HIMA KOHLI, J

MARCH 08, 2017

ap/mk