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

+ RFA 913/2016

NETAMBIT VALUEFIRST SERVICES PVT LTD .. Appellant
Through: Mr. Sandeep Kumar, Advocate.

versus

P HARIHAR KUMAR & ANR Respondents
Through: Mr. Manish Garg, Advocate for R-1 and
R-2 along with respondent No.1 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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15.11.2017

1. Original mediation settlement dated 30.03.2017 has been received from Delhi High Court Mediation and Conciliation Centre. Both the learned counsel for the respective parties and respondent No.1 confirm the mediation settlement arrived between the parties. As per the mediation settlement, the parties have resolved and settled all their disputes in the following terms and conditions:

(a). The First Party shall pay a sum of Rs.7,88,130/- in full and final settlement of all the claims of the Second Party. The said amount shall be paid in seven equal monthly instalments of Rs.1,12,590/- starting from 15.04.2017. The subsequent instalments shall be paid on or before last day of every month. The last of such instalments shall be paid on or before 15th October, 2017.

(b). The First Party shall make an RTGS/NEFT to the Second Party in the following account

Name of the Account: Nita Kumar Iyer, P. Harihar Kumar

Account Number: 0261-193-0001419

Bank Name and Branch: HDFC Bank, Yusuf Sarai, New

Delhi.
IFSC Code : HDFC0001664

- (c). In case of delay of any instalment, the First Party shall pay an interest @ 12% per annum on the delay.
- (d). In case of non-payment of two consecutive instalments, the amount as stated in the original decree shall revive and the amount paid shall be adjusted towards the said amount.
- (e). The First Party undertakes to the Hon'ble Court to honour the commitment of the payment of monthly instalments to the Second Party on or before the due date.
- (f). It is agreed that a decree in the present RFA No.913/2016 shall be drawn on in terms of the present settlement.
- (g). After the receipt of amount, the Second Party shall withdraw execution being Ex.No.132/2016 pending in the court of Shri Ajay Gulati, ADJ, Saket, New Delhi.
- (h). By signing this Agreement, the parties hereto state that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by them through the process of Mediation.
- (i). That the parties undertake before the Hon'ble Court to abide by the terms and conditions set out in the agreement and not to dispute the same hereinafter in future.

- 2. In the circumstances when the parties have settled all their disputes, learned counsel for the appellant does not want to pursue the appeal. The appeal is dismissed as withdrawn. The parties shall remain bound by the terms and conditions of the said settlement. Court fees paid by the appellant be refunded to him as per rules as amended. Necessary certificate for refund be issued by the Registrar General.
- 3. CM No.43749/2016 stands dismissed as the main appeal has been dismissed as withdrawn.

NOVEMBER 15, 2017
"sandeep"

VINOD GOEL, J.