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

+ **RFA 91/2017 & C.M. No. 3037-38/2017**

BHUBAN CHAND KALA

..... Appellant

Through: Mr. Ranjeet Singh with
Mr. Joolie Kataria, Advocates with the appellant in
person.

versus

VINAY KUMAR

..... Respondent

Through: Mr. S.K. Mittal with Mr. Dilip Dubey,
Advocates with the defendant in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
16.02.2017

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1. Pursuant to the order dated 31.1.2017, both the parties are present in court.
2. On the last date of hearing, it had been enquired from learned counsels for the parties if they would be ready and willing to negotiate a settlement with each other. Learned counsel for the appellant had stated that he wanted to obtain instructions. Today, he states that that appellant is ready and willing to negotiate a settlement with the respondent and offers to pay him the principal amount of Rs.4,39,000/-. The said suggestion is however unacceptable to the respondent.
3. Learned counsel for the respondent states that his client has not only incurred huge amounts towards the court fee and litigation expenses but also

suffered loss in terms of money. He states that as on date, the interest awarded by the trial court on the principal amount itself comes to Rs.92,000/-(approximate).

4. After further interaction, the parties agree that the appellant shall pay a sum of Rs.4,80,000/- to the respondent in the full and final settlement of all his claims in the suit, in the following manner:

- a) The first instalment of Rs.1,00,000/- shall be paid to the respondent on or before 16.3.2017;
- b) The second instalment of Rs.1,50,000/- shall be paid to the respondent on or before 16.4.2017 and ;
- c) The third and final instalment of Rs.2,30,000/- shall be paid on or before 26.5.2017.

5. It is agreed that the appellant shall file an affidavit undertaking *inter alia* to abide by the terms and conditions of the settlement, recorded hereinabove, with a copy furnished to the counsel for the respondent.

6. The appellant has been cautioned that in the event he commits a breach of any of the conditions of settlement as recorded above, the respondent shall be entitled to seek execution of the impugned judgment and decree in accordance with law. This is over and above the liberty granted to the respondent to approach the court by filing a contempt petition against the appellant.

7. The appeal is disposed of along with the pending applications.

HIMA KOHLI, J

FEBRUARY 16, 2017

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