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

+ **CS (OS) 87/2014**

RAJPAL SINGH KOCHHAR Plaintiff
Through: Mr. B. P. Aggarwal and Mr.
Sidhharth Aggarwal, Advocates.
(M:9811244148) with Plaintiff in
person.
versus

VERUN JINDAL Defendant
Through: Mr. Pankaj Malhotra, Advocate.
(M:9999848981) with Defendant in
person.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **16.11.2018**

I.A. 14223/2018 (u/O XXIII Rule 3 CPC) in CS (OS) 87/2014

1. The parties have settled their disputes in terms of the agreement titled as the 'Terms and Conditions of Compromise' (*hereinafter 'Compromise'*), dated 10th October, 2018. On the last date, the matter was adjourned in order to enable the Defendant, who lives in Mumbai, to appear before this Court. Matter was listed yesterday. It has been agreed between the parties that the settlement has been arrived at in terms of the Compromise as also application under Order XXIII Rule 3 CPC filed on record.
2. However, the Plaintiff has agreed to pay a higher amount of Rs.1.65 crores instead of Rs.1.37 crores, upon demand from the Defendant. In view thereof, by replacing the amount of Rs.1.37 crores in paragraph 5 (II) of the agreement with the amount of Rs.1.65 crores, the suit is decreed in terms of the 'Terms and Conditions of Compromise'. Parties shall be bound by the

said terms.

3. Statements of Plaintiff and Defendant have been recorded today. They shall be bound by the terms of the Terms and Conditions of Compromise. The two cheques for the total sum of Rs.1.65 crores have been handed over by Plaintiff to the Defendant, details of the same are as under:

S. No.	Cheque No.	Amount	Dated	Drawn on
1	000044	Rs.1,37,00,00/-	10 th October, 2018	Punjab & Sindh Bank, New Delhi H Block Connaught Circle.
2	000061	Rs.28,00,000/-	16 th November, 2018	

4. Plaintiff undertakes that the said cheques would be encashed/honoured. If same are not encashed, the Defendant is permitted to approach this Court by way of application.

5. The settlement arrived at shall be a full and final settlement in respect of the disputes under agreement to sell dated 26th March, 2005. The said agreement is signed by the parties. Affidavits have also been placed on record. Decree sheet be drawn up by replacing the amount of Rs.1.37 crores with Rs.1.65 crores as per clause 5 (II) of the Compromise. The Compromise agreement shall form part of the decree. Suit is decreed and disposed of along with all pending applications. Next date of hearing before the Joint Registrar i.e. 13th December, 2018 is cancelled.

PRATHIBA M. SINGH, J.

NOVEMBER 16, 2018/dk