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

+ **RFA 257/2018 and C.M. Appl. No. 9866/2018 (for stay)**

SUNIL JAIN

..... Appellant

Through: Mr. Surinder Tyagi, Advocate.

versus

SANJAY GUPTA

..... Respondent

Through: Mr. Naresh Kumar Goel, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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07.05.2018

1. On 14.3.2018, the following order was passed:-

“C.M. Appl. No. 9867/2018 (for delay)”

1. For the reasons stated in this application, the delay of 12 days in re-filing the appeal is condoned, subject to just exceptions.
C.M. stands disposed of.

RFA 257/2018 and C.M. Appl. No. 9866/2018 (for stay)

2. Learned counsel for the appellant after arguing the appeal took a pass-over to take instructions if appellant will be satisfied on the respondent/plaintiff receiving the amount deposited by the appellant in the trial court along with interest accrued on the amount deposited by the appellant.

2. It is stated that the appellant has given such instructions to the counsel for the appellant that in case respondent takes the amount deposited in Court along with accrued interest in full and final settlement then no dispute between the parties will remain.

3. Limited to the aforesaid aspect, let notice be issued to the respondent on filing of process fee, both in the ordinary method as well as by registered AD post, returnable on 7th May, 2018.”

2. Counsel for the respondent agrees that the respondent out of the amount deposited by the appellant in trial court will receive the amount of the decree, being the sum of Rs.2,00,000/- with interest at 8% per annum simple, with effect from 27.10.2017, and accordingly the claim of the respondent which is subject matter of this litigation will stand satisfied.

3. Accordingly, this appeal is disposed of by directing the trial court to pay to the respondent a sum of Rs.2,00,000/- with interest at the rate of 8% per annum simple with effect from 27.10.2017 out of the total amount which exists in the trial court as on today i.e. the total amount of amount deposited with accrued interest, and in case the amount deposited along with accrued interest is more than the amount payable to the respondent of Rs.2,00,000/- with interest at the rate of 8% per annum simple with effect from 27.10.2017 then the balance amount will be refunded to the appellant.

4. Appeal is accordingly disposed of in terms of the aforesaid observations.

VALMIKI J. MEHTA, J

MAY 07, 2018

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