$~12

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

\+ **RFA 309/2017**

M/S FRANKFINN AVIATION SERVICES PVT LTD ..... Appellant

Through: Ms. Meenakshi Midha, Mr. Bhavya Lakhwara and Mr. Amandeep Singh Bhullar, Advocates.

versus

RAJESH SHISHODIA ..... Respondent

Through: Mr. Jasbir Singh, Advocate (M-9810093469) with Respondent in person.

CORAM:
JUSTICE PRATHIBA M. SINGH

O R D E R

% 30.05.2018

The present appeal arises out of impugned judgment dated 3rd December, 2016 by which the suit for recovery filed by the Respondent against the Appellant was decreed in the following terms:

> "*Relief: Suit is decreed in favour of plaintiff and against the defendant for an amount Rs.l0,05,945/- alongwith interest @ 9% per annum w.e.f. 20.10.2012 till its realization with cost of the suit.*"

The Respondent was an employee with the Appellant and had left the employment in October, 2012. He had raised a claim for various dues and other amounts which according to him were not paid to him. The suit was decreed by the impugned judgment.

In the present appeal, vide order dated 20th March, 2017, a sum of

Rs.5,00,000/- were directed to be deposited subject to which the impugned judgment and decree was stayed. Thereafter, mediation was attempted but had failed.

The matter was taken up for hearing on the last two to three dates. On the last date, during the course of arguments, the following order was passed:

> "*Counsel for the parties have agreed that the dispute can be amicably resolved if the Appellant pays to the Respondent a sum of Rs.4,42,150/- along with 6% pendetlite interest which according to her comes to Rs.5,90,270/-. The Registry is directed to prepare a demand draft in favour of the Respondent for the amount lying deposited in FDR No.15530310731185 and the interest accrued thereon to be handed over to the Respondent on the next date.*
>
> *The Appellant shall bring a demand draft for the sum of Rs.65,000/- in favour of the Respondent on the next date.*
>
> *List on 30th May, 2018 for orders.*"

As directed vide order dated 22nd May, 2018, the demand draft for a sum of Rs.65,000/- has been handed over by the Appellant to the Respondent. The Registry has also prepared a demand draft in favour of the Respondent for a sum of Rs.5,21,904/-. The same has also been handed over to the Respondent.

With the above payments being made, the Respondent agrees that the impugned judgment and decree stands satisfied. With the payment of this amount, no further dues or claims shall be raised by the Respondent. This payment shall be considered as a full and final settlement of all claims of the Respondent against the Appellant.

The original demand drafts have been handed over to Mr. Rajesh Shisodia who is present in Court today. The present settlement shall not operate as precedent for any of the future cases of the Appellant and is peculiar to the facts and circumstances of this case.

The appeal is accordingly disposed of as settled.

PRATHIBA M. SINGH, J.

MAY 30, 2018
Rekha