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

+ **RFA 388/2017**

M/S TOFARCH INTERIOR SOLUTIONS
PVT LTD & ANR.

..... Appellants

Through: Mr. Arvind Kumar Singh, Advocate
with Mr. Sunil Kumar, Executive
Accounts of Appellant company in
person.

versus

DHARMVIR SHOKEEN

..... Respondent

Through: Mr. Saurabh Kumar, Advocate.
(M:7827803615)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **08.05.2018**

CM APPL. 14780/2017 (STAY) in RFA 388/2017

1. Present appeal arises out of a suit for recovery of possession and arrears of rent in respect of the suit premises bearing no.B-42, admeasuring 300 Sq. Yards part of Khasra No.46/6, situated in Kanahiya Nagar, Nilothi Extension, New Delhi (*hereinafter*, 'suit property').
2. The Trial Court had, vide judgment/decreed dated 17th December, 2016, decreed the suit in favour of the Respondent/Plaintiff (*hereinafter*, 'Plaintiff'). The present appeal was listed on 21st April, 2017 on which date the Appellants/Defendants (*hereinafter*, 'Defendants') were directed to deposit the entire decretal amount and subject to the same the impugned judgment and decree were stayed. The amount was deposited by the Defendants. Thereafter, on 23rd April, 2018, an application was moved

seeking reference to the Delhi High Court Mediation and Conciliation Centre to explore possibility of a settlement. The parties submit that they have amicably resolved their disputes vide Settlement Agreement dated 24th April, 2018 wherein terms and conditions have been spelled out.

3. The Court has perused the terms of the settlement. Same are lawful and legal. There is no impediment in accepting the same. Accordingly, the impugned judgment and decree is modified as per the terms and conditions contained in Settlement Agreement dated 24th April, 2018.

4. As per the settlement, the Defendants have paid to the Plaintiff a sum of Rs.5,50,000/- as the full and final settlement amount. The cheque was handed over to the Plaintiff and the same has been encashed. Keys of the vacant premises have already been returned by the Defendants to the Plaintiff.

5. The amount lying deposited in the Court, to the tune of Rs.9,38,583/- along with interest which may have accrued thereon, be released to the Appellants/Defendants (minus applicable TDS on the interest amount). Since the matter has been settled in mediation, the Court fee would also be liable to be refunded under Section 16 of the Court Fee Act.

6. Appeal is disposed of as settled. Pending application also stands disposed of.

PRATHIBA M. SINGH, J.

MAY 08, 2018/dk