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

\+ **RFA 479/2013**

M/S SUMIT FINANCIAL SERVICES PVT. LTD. ..... Appellant

Through: Mr. Surender Kumar Gupta, Advocate (M-9810270636) along with Mr. C.M Garg, A.R. & Director of Appellant.

versus

AJAY KUMAR JAIN & ORS ..... Respondents

Through: Mr. M.A. Venkatasubrmanain, Advocate along with Ms. Shoba Rani Jain, Mr. Rishabh Jain, Mr. Rashmi Jain & Mr. Raj Kumar Jain.

**CORAM:**
**JUSTICE PRATHIBA M. SINGH**

**O R D E R**

*%* **17.04.2018**

**CM APPL.14890/2018 in RFA 479/2013**

1. This is an application under Order XXIII Rule 3 for recording the compromise between the parties. The settlement has been arrived at between the Appellant, M/s Sumit Financial Services Pvt. Ltd. and Respondents No.1 and 2, Mr. Ajay Kumar Jain (through LRs) and Mrs. Shobha Jain respectively. Mr. Ajay Kumar Jain had passed away and his LRs are Mrs. Shobha Jain, Mr. Rishabh Jain and Ms. Rashmi Jain. LRs of Mr. Ajay Kumar Jain and Respondent No.5 Mr. Raj Kumar Jain are present. Director of the Appellant is also present. The settlement application has been signed by Mr. C.M. Garg, A.R. and Director of Appellant who is present in court is the authorised representative of the Appellant and all the four Respondents along with their affidavits in support of this application. Amended memo of

parties had already been filed on 10th October, 2017. The terms of the settlement are recorded in paras 7 (i) to (ix). The court has perused the terms of settlement. The same are lawful. There is no impediment in recording the compromise. The compromise application contains all the terms and details in paras 7(i) to (ix). The suit is decreed in terms of paras 7 (i) to (ix). The settlement application shall form part of decree. The appeal of the Appellant is disposed of as settled between the parties.

2. In view of the settlement between the parties, the original five share certificates of Respondent no.3 and 4, which are deposited by the Appellant in terms of the order dated 16th March, 2016 lying in a sealed envelope in the safe custody of the Deputy Registrar, Appellate Ms. Sadhna Gupta against Serial No.11156 dated 22nd March, 2016, may be returned to the Appellant for taking steps to get the shares transferred as per the settlement in favour of the Appellant himself and Respondents as per the settlement. The following directions are specifically passed against the Respondents No.3 and 4 whose shares are the subject matter of the dispute between Appellant on the one hand and Respondents 1, 2 and 5 on the other:

> *"(d) the Respondent No.3, Dr. Reddy's Laboratories Limited, is directed to:-*
> *(i) transfer the following 110 shares (including and alongwith any other share(s) to which the parties are entitled to in lieu thereof and all other benefits, dividends, bonus and right shares and/or any other rights or benefits accrued and/or payable in respect of the said shares with effect from 16.01.1998); in the name of the Appellant (M/s. Sumit Financial Services Pvt. Ltd.) as detailed below:-*
>
> *(a) 100 shares bearing distinctive numbers 25382601 to 25382700 bearing Share Certificate No.194666, Folio No. A05120; and*

*(b) 10 shares bearing distinctive numbers 25382801 to 25382810 bearing Share Certificate No.194668, Folio No. A05120.*

*(ii) transfer the following 90 shares (including and alongwith any other share(s) to which the parties are entitled to in lieu thereof and all other benefits, dividends, bonus and right shares and/or any other rights or benefits accrued and/or payable in respect of the said shares with effect from 16.01.1998); in the name of the Respondent No.2 (Smt. Shobha Jain alias Shobha Rani Jain) as detailed below:-*

*(a) 90 shares bearing distinctive numbers 25382811 to 25382900 bearing Share Certificate No. 194668, Folio No. A05120,*

*(e) the Respondent No.4, M/s. Pfizer Limited, is directed to:-*

*(i) transfer the following 82 shares (including and alongwith any other share(s) to which the parties are entitled to in lieu thereof and all other benefits, dividends, bonus and right shares and/or any other rights or benefits accrued and/or payable in respect of the said shares with effect from 16.01.1998); in the name of the Appellant (M/s. Sumit Financial Services Pvt. Ltd.) as detailed below;-*

*(a) 50 shares bearing distinctive numbers 01452951 to 01453000 bearing Share Certificate No.0215626, FolioNo.P 112891; and*
*(b) 32 shares bearing distinctive numbers 01453051 to 01453082 bearing Share Certificate No.0215628, FolioNo.P 112891; and*

*(ii) transfer the following 68 shares (including and alongwith any other share(s) to which the parties are entitled to in lieu thereof and all other benefits, dividends, bonus and right shares and/or any other rights or benefits accrued and/or payable in respect of the said shares with effect from 16.01.1998); in the name of the Respondent No.2 (Smt. Shobha Jain alias Shobha Rani Jain) as detailed*

*below:-*

*(a) 18 shares bearing distinctive numbers 01453083 to 01453100 bearing Share Certificate No.0215628, FolioNo.P 112891; and*
*(b) 50 shares bearing distinctive numbers 01453101 to 01453150 bearing Share Certificate No.0215629, FolioNo.P 112891.*

*(f) the Respondent No. 3 and 4 companies is directed to simultaneously release and return back and/or deposit respective duly transferred shares in the name of the Appellant and Respondent No.2, including and alongwith any other share(s) to which the parties are entitled to in lieu thereof and all other benefits, dividends, bonus and right shares and/or any other rights or benefits accrued and/or payable in respect of the said shares of the respective Companies with effect from 16.01.1998, in the names of the Appellant and the Respondent No.2 in their respective Demat accounts as may be supplied by them and to send or deposit their respective dividend warrants etc. payable to Appellant and the Respondent No.2 directly in their Bank accounts as per the details supplied by them."*

3. All the parties shall cooperate with each other for completing this compromise.

4. The Respondents are directed to give the details of their DMAT and bank accounts to the Appellant within five days from today.

5. Refund of 50% of the court fee is directed in terms of Section 16A of the Court Fee Act. Appeal and all pending applications are disposed of.

**PRATHIBA M. SINGH, J.**

**APRIL 17, 2018**
*Rahul*