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

+ RSA 209/2010, CM APPL. 20398/2010

SIDHARTH CHAUDHARY Appellant

Through: Mr. M. Salim, Advocate with petitioner
in person.

Versus

MAHAMAYA GENERAL FINANCE COMPANY LTD & ORS

..... Respondents

Through: Mr. Rajeev Saxena & Mr. Deep
Dhamija, Advocates for R-1 with Mr. Surat
Singh, Director to R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **03.04.2018**

Mr. M. Salim, the learned counsel for the appellant and Mr. Rajeev Saxena, the learned counsel for the respondent submit upon instructions from the appellant and Mr. Surat Singh, Director of respondent company, who are present in the Court today that a settlement has been arrived at between the parties.

The case was passed-over for the parties to bring on record their settlement.

The learned counsel have handed over an application under Order XXIII Rule 3 CPC read with section 151 CPC alongwith the copy of Board Resolution dated 30.03.2018 of the respondent, for disposal of the appeal in terms of the following settlement between the parties:-

“That the suit property bearing No.B-11, Rampuri Colony, Ghaziabad, Uttar Pradesh (which is a plot land) will be sold in the open market or by bid of the respective parties and

the proceeds of sale will be disbursed equally between the appellant and respondent No.1.”

The application has been signed by the said parties and their respective counsels. It is supported by affidavits of the aforementioned parties. The application is taken on record. Let it be numbered by the Registry.

In view of the aforesaid settlement, the appeal, alongwith this application, is disposed off with the direction that the aforementioned suit property shall be sold/disposed off in the open market or by inter se bid between the aforesaid parties, within a period of six months from today and the sale proceeds thereof shall be shared equally between the appellant and respondent No.1.

At joint request, Mr. Sanjeev Dubey, Advocate, (M. No.9810062521) is appointed as Local Commissioner to supervise, monitor and have executed the sale of the suit property and to disburse the sale consideration in equal proportions between the parties, in terms of the settlement, within six months. The learned counsel for the parties have mutually assessed the approximate value of the property and state upon instructions that considering the nature of the work involved, the Local Commissioner's fee be fixed at Rs.5 lacs, to be shared equally between the parties. It is so ordered. Of this Rs.5 lacs, an amount of Rs.50,000/- each, shall be deposited by the parties, within one week with the learned Local Commissioner before he commences the discharge of this commission.

Let a copy of this order be communicated to the learned Local Commissioner by the learned counsel for the parties. The parties will also convey to him their respective bids within four weeks from today. The

Director of respondent No. 1 is present in compliance of the Court's previous order.

The appeal stands disposed off.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J.

APRIL 03, 2018

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