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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 510/2016 & CM APPL. 26986/2016

PRADEEP KUMAR JHUNJHUNWALA & ORS. Appellants

Through: Mr. P. D. Gupta, Senior Advocate
with Mr. Kamal Gupta, Advocate.
(M:9810988094)

versus

NARINDER KUMAR @ NARINDER

SHARMA & ORS.

..... Respondents

Through: Mr. Kirti Uppal, Senior Advocate
with Mr. S. P. Singh Choudhary and
Mr. Y. R. Sharma, Advocates.
(M:9891222979)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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05.02.2018

1. Shri Narinder Sharma, Plaintiff/Respondent No.1 instituted the suit for defamation against Defendant Nos.1 to 6. The suit was decreed for a sum of Rs. 11,00,000/- vide judgment and order dated 11th May 2016.

2. The impugned order has been challenged by
Mr. Pradeep Kumar Jhunjhunwala -Appellant No.1/Defendant No.1;
Mr. Gopi Chand Aggarwal, Appellant No.2/Defendant No.2;
Shri Sriram Kedia, Appellant No.3/Defendant No.4 and
Mr. Suresh Kumar Dingliwal, Appellant No.4/Defendant No.5.

The remaining two Defendants have not challenged the impugned judgment but they have been impleaded as Respondent Nos.2 & 3 in the present appeal.

2. The suit has been decreed for Rs.11 Lakhs to be paid equally by all

the Defendants. Smt. Neelam Joshi - Defendant no.3 has already paid her share to Plaintiff/Respondent No.1. Insofar as Defendant no.6 Shri Sriram Aggarwal is concerned, he has not challenged the impugned judgment.

3. During the course of arguments, learned counsels for Appellants and Respondent No.1 have agreed to bring a closure to the dispute between the parties on the following terms and conditions.

(1) Appellant Nos.1 & 2 have already paid to Respondent No.1/Plaintiff a sum of Rs.1,75,000/- and Rs.1,80,000/- respectively. A sum of Rs.3,60,000/- is lying deposited in this Court which is the share of Appellant Nos.3 & 4. It is agreed that in addition to the sums already received by the Plaintiff/Respondent No.1, an additional sum of Rs.1.5 Lakhs be released by the Registry of this Court to Plaintiff/Respondent No.1.

(2) The remaining amount lying with the Registry shall be refunded to Appellant Nos.3 & 4 through counsel along with the interest which has accrued thereon.

(3) In view of the payments made to Plaintiff/Respondent No.1, Plaintiff agrees not to press the allegations of defamation against the Appellant Nos.1 to 4. Both the parties will not cite the impugned judgment or the present order in any manner against each other. However, this shall not preclude the Plaintiff/Respondent No.1 from citing this order in the executing Court in executing the order against Respondent No.3, Mr. Sriram Aggarwal.

(4) Parties agree to maintain peace and harmony in Prem Kutir, Cooperative Group Housing Society Ltd. in the interest of all the residents.

4. Cheques in favour of the Plaintiff/Respondent No.1 and Appellant Nos.3 & 4 be prepared and released within a period of two weeks by the Registry.

5. Appeal is disposed of as settled with no order as to costs. Miscellaneous applications are also disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 05, 2018/dk