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

+ RFA 794/2018

RAKESH TYAGI

..... Appellant

Through: Mr. Sunil Chauhan, Advocate
(9810213040)

versus

CHANDER PRAKASH TYAGI

..... Respondent

Through: Mr. Deepak Khosla, Advocate for
Caveator (9811218591)

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **18.09.2018**

Caveat 863/2018

1. Counsel appears for the caveator. Caveat accordingly stands discharged.

RFA No. 794/2018 & CMs. 38172-74/2018

2. Before commencement of arguments, this appeal is disposed of in terms of the compromise order that the respondent/defendant will pay to the appellant/plaintiff a sum of Rs.20 lacs alongwith interest at 14% per annum simple from 27.7.2012 till the date of deposit of this amount before the executing court within a period of one month from today, and the respondent

through the counsel gives an undertaking to this Court which is accepted that the aforesaid amount would be deposited in the executing court.

3. On such deposit all claims of the parties against each other in the subject litigation will stand settled and satisfied.

4. Since the appeal is disposed of as compromised before commencement of arguments, appellant in accordance with Section 16-A of the Court Fees Act, 1870 as application to Delhi, is entitled to refund of the 50% of the court fees and Registry is directed to issue necessary certificate in favour of the appellant.

5. Liberty is granted to the appellant that in case the appellant has paid the court fees in the suit at a higher rate than the law as prevailing, then on such an application being moved by the appellant/plaintiff before the trial court, trial court will pass appropriate orders with respect to any excess court fees paid by the appellant/plaintiff beyond what is prescribed by law.

6. The appeal is disposed of in terms of the aforesaid consent order.

VALMIKI J. MEHTA, J

SEPTEMBER 18, 2018

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