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

+ **RFA 402/2015**

SANJAY KUMAR GOSWAMI & ANR. Appellants
Through: Mr. Ravi Sharma, Advocate.
(M:9810214626) with Appellant No.2
and her son in person.

versus

GOPI LAL Respondent
Through: Mr. Saraswati Bhardwaj, Advocate.
(M:9891354659) with Respondent in
person.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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31.05.2018

CM APPL. 23997/2018 (u/O XXIII Rule 3 CPC)

This is an application under Order XXIII Rule 3 CPC filed by the parties. Mr. Sanjay Kumar Goswami, Appellant No.1 was the son of Shri Gopi Lal, who has since passed away on 2nd February, 2018. The Appellant No.2 is the daughter in law of the Respondent. Appellant No.2, Respondent and his grandson namely Master Navyansh Goswami are present in Court. The parties have settled their disputes as per the terms and conditions contained in paragraph 3(i) to 3(ix).

The Court has perused the terms of the settlement and the same appear to be lawful and there is no impediment in recording the settlement. The application has been signed by the Appellant No.2 and Respondent along with their affidavits. Learned counsels have also appended their signatures on the application. The impugned judgment/decreed is modified in terms of the settlement. The settlement application is marked as 'Ex.C' and

the same shall form the part of decree being passed today.

On 13th January, 2016, this Court had directed the Appellant to deposit the *mesne* profits @ Rs.3,000/- per month. The Appellant has made some deposits with the Registrar General of this Court. She has no objection if the amount, already deposited along with interest accrued thereon, is released in favour of the Respondent. The Registry is directed to prepare the demand draft and release the amount in favour of the Respondent within a period of two weeks from today.

The application is allowed and the appeal is, accordingly, disposed of as settled with no orders as to the costs.

Decree sheet be drawn.

PRATHIBA M. SINGH, J.

MAY 31, 2018/dk