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

+ **RFA 864/2017**

KANAK ENGINEES (P) LTD Appellant
Through: Mr. Kalyan Dutt and Mr. Vivek
Sharma, Advocates with Mr. D.S.
Chakraborty, AR of the company.
versus

SUNIL KUMAR DAY & ANR Respondents
Through: None.

+ **RFA 866/2017**

TRACTEL TIRFOR INDIA (P) LTD Appellant
Through: Mr. Kalyan Dutt and Mr. Vivek
Sharma, Advocates with Mr. D.S.
Chakraborty, AR of the company.
versus

SUNIL KUMAR DAY & ANR Respondents
Through: None.

+ **RFA 867/2017**

TRACTEL TIRFOR INDIA (P) LTD Appellant
Through: Mr. Kalyan Dutt and Mr. Vivek
Sharma, Advocates with Mr. D.S.
Chakraborty, AR of the company.
versus

SUNIL KUMAR DAY & ANR Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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21.05.2018

C.M. Appl. No. 21014/2018 (for exemption) in RFA 864/2017

C.M. Appl. No. 21019/2018 (for exemption) in RFA 866/2017

C.M. Appl. No. 21017/2018 (for exemption) in RFA 867/2017

1. Exemptions allowed, subject to all just exceptions.

C.Ms. stand disposed of.

C.M. Appl. No. 21013/2018 (under Order 23 Rule 3 CPC, filed by the appellant) in RFA 864/2017

C.M. Appl. No. 21018/2018 (under Order 23 Rule 3 CPC, filed by the appellant) in RFA 866/2017

C.M. Appl. No. 21016/2018 (under Order 23 Rule 3 CPC, filed by the appellant) in RFA 867/2017

2. The appellants and the respondent no. 1 being the defendant no. 1 and the plaintiff in the trial court have settled their disputes in terms of the settlement agreements dated 11.5.2018 entered into between them before the Delhi High Court Mediation and Conciliation Centre. The settlement agreements dated 11.5.2018 satisfy the requirements of Order 23 Rule 3 CPC. Accordingly, the appeals are disposed of in terms of the settlement agreements dated 11.5.2018 and which will form the decrees between the parties.

3. Trial court by the impugned judgment notes that the defendant no. 2/respondent no. 2 had given an undertaking on 31.1.2011 to give necessary clearance, and if either the appellants or the respondent no. 1 feel that the defendant no. 2/respondent no. 2 is not complying with the undertaking given on 31.1.2011 then it will be open to the appellants or the respondent no. 1 to apply for execution proceedings

or file contempt proceedings for enforcement of the undertaking given by the respondent no. 2/defendant no. 2 in the trial court on 31.1.2011.

4. Appeals are accordingly disposed of in terms of the settlement agreements entered into between the parties dated 11.5.2018 and also giving further liberty to the appellants and respondent no. 1 as stated above against the respondent no. 2/defendant no. 2.

5. The date already fixed i.e. 18th July, 2018 stands cancelled.

VALMIKI J. MEHTA, J

MAY 21, 2018

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