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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 9/2018 & CM APPL. 36501/2018**

KALINDI & ORS

..... Appellants

Through: Petitioner no.1 in person with Mr.
G.S. Sharma & Mr. V.K. Sharma,
Advocates for P- 1 to 4.

Versus

RAJESH JAIN

..... Respondent

Through: Respondent in person with Mr.
Aniket Jain, Advocate.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **18.09.2018**

In terms of proceedings dated 13.09.2018, on behalf of the respondent has been produced a demand draft for a total sum of Rs.3 lakhs payable in terms of the compromise deed dated 06.08.2018 executed between the petitioner no.1 herself and petitioner nos. 2, 3 & 4 her minor sons qua the compromise effected with the respondent in the matter.

In terms of the same, the statement of the petitioner no.1 has been recorded and the demand draft bearing no.510894 dated 14.09.2018 drawn on the ICICI Bank for a sum of Rs.3 lakhs has been handed over to the petitioner no.1 and she thus seeks to withdraw the present appeal, i.e. FAO-9/2018 against the impugned order dated

18.09.2017 which is thus dismissed as withdrawn.

SEPTEMBER 18, 2018/NC

ANU MALHOTRA, J

KALINDI & ORS. Vs. RAJESH JAIN

Statement of CW1: Smt Kalindi, w/o late Sh. Lal Dhar, age 35 years, r/o N-28/A-148, A Block, C.S.A. Colony Raly Line, Wazir Pur, Industrial Area, Delhi.

ON S.A.

The petitioner no. 2 Tinku Prasad, petitioner no.3 Rinku and petitioner no.4 Bajrangi are my sons. All three petitioners, i.e. petitioner nos. 2, 3 & 4 are minors. Mr. Lal Dhar, my spouse has already expired.

A settlement has since been arrived at between me and the respondent who was the employer of my spouse late Mr. Lal Dhar and the said compromise deed bears my thumb impression thereon at point A on each page thereof on Ex.CW1/A which has been appended by me voluntarily of my own accord without any duress, coercion or pressure from any quarter.

In terms of the said settlement arrived at between me and the respondent which has been entered by me on behalf of the three minor petitioners i.e. petitioner nos. 2, 3 & 4, after discharge of the respondent in FIR No.865/14, PS Prashant Vihar under Sections 288 & 304A of the Indian Penal Code, 1860, in view of the settlement arrived at between the petitioners including myself and the respondent, a total sum of Rs. 5 lakhs was agreed to be paid to the petitioners by the respondent of which a sum of Rs. 2 lakhs has been received previously at the time of the discharge of the respondent in FIR No.865/14, PS Prashant Vihar and the balance sum of Rs.3 lakhs has been handed over to me today by the respondent vide a

demand draft bearing no.510894 dated 14.09.2018 drawn on the ICICI Bank in my favour.

There are now no claims of the petitioners left against the respondent anymore and thus I seek to withdraw the present appeal i.e. FAO-9/2018 against the impugned order dated 18.09.2017 of the Commission Workmen's Compensation Authority on my behalf and on behalf of petitioner no.1.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

ANU MALHOTRA, J

**RO & AC
SEPTEMBER 18, 2018**