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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 861/2015 & CM APPLs. 32707/2016, 42402/2017**

ABHIR MALHOTRA & ANR Appellants
Through: Mr. Rakesh Malhotra, Advocate

versus

SHYAM KAPOOR Respondent
Through: Mr. Avanish Kumar, Advocate.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **10.01.2018**

Report has been received from the Delhi High Court Mediation and Conciliation Centre. The parties have settled their disputes by settlement agreement dated 21st December, 2017. In brief, the Appellants have agreed to handover vacant and peaceful possession of the suit property to the Respondents on or before 31st March, 2018. The amount of Rs. 9,03,000/- deposited in this Court is agreed to be released to the Respondents through the LRs along with interest accrued thereon. The Respondents have agreed to handover a sum of Rs.1,00,000/- to the Appellant at the time of receiving the possession i.e. Rs.50,000/- to each of the Appellants.

2. The Respondent, Mr. Shyam Kapoor, has since passed away on 4th January, 2016. He is survived by his wife, Mrs. Anjana Kapoor, son Mr. Tarun Kapoor and two daughters Mrs. Ridhi Sikka and Mrs. Nidhi Khanna. All the four LRs are Respondents and have participated in the mediation proceedings and have also signed the settlement agreement.

3. The settlement agreement has been signed by all the parties and the Mediator as well. The settlement is lawful and is taken on record. The

impugned judgment and decree dated 4th November, 2015 is modified in terms of the present settlement agreement. All parties shall abide by the terms of settlement. The appeal is therefore, disposed of in terms of the settlement agreement.

4. In view of the fact that the dispute has been settled between the parties through mediation, the appellant prays for refund of court fee. The challan for refund of court fee deposited by the appellant be released in terms of Section 16 of the Courts Fees Act, 1870.

5. The bank guarantee dated 28th November, 2017 is released and the original bank guarantee be returned to the counsel for the Respondent.

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6. The CM is filed by Mr. Tarun Kapoor, son of late Shri Shyam Kapoor. By this application, Mr. Tarun Kapoor prays that the amount of Rs.9,03,000/- deposited by the Appellants on 30th August, 2016, pursuant to directions dated 15th July, 2016, be released in his favour. The application is signed by the other three LRs of the Respondent, late Shri Shyam Kapoor, and supporting affidavits have also been filed. In view thereof, there is no impediment in releasing the amount in favour of Shri Tarun Kapoor. It is accordingly directed that the Registry may release the sum of Rs.9,03,000/- along with interest accrued thereon, if any, in favour of Shri Tarun Kapoor through his counsel.

7. Application is accordingly disposed of.

8. The appeal and all pending applications are disposed of.

PRATHIBA M. SINGH, J

JANUARY 10, 2018/R