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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(OS) 67/2019 & C.M.Applns.33252/19 (stay), 33254/19 (delay
in re-filing the appeal)

M/S NATIONAL RESTAURANT Appellant
Through: Mr. Vivek Kumar Tandon, Ms.Mamta
Tandon, Advocates with Mr. Baldev Bahl, partner
of the appellant, in person
versus

AMONCHIT SURIYAKIRAN & ANR Respondents
Through: Ms.Vibha Mahajan Seth and Ms.
Mansi Mehta, Advocates with Mr. Amonchit
Suriyakiran, the respondent No.1 in person

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER
% **24.09.2019**

C.M.Appln.42817/19 (jointly by the parties u/O 23 Rule 3 CPC)

1. The present joint application has been filed by the parties under Order 23 Rule 3 CPC stating *inter alia* that they have arrived at a comprehensive settlement with each other with the intervention of well-wishers and friends. The terms and conditions of the settlement have been set out in para 2 of the application. The application has been signed by both sides and is duly supported by their affidavits.
2. Mr. Vivek Kumar Tandon, learned counsel for the appellant states that the appellant has agreed to hand over vacant peaceful possession of the suit premises to the respondents on or before 31.12.2019 and in lieu thereof, the respondents have agreed not to press the suit for recovery of mesne

profits, damages, arrears, etc. [CS(OS) 349/2018]. The respondents have also agreed to withdraw the execution petition filed against the appellant on his handing over vacant peaceful possession of the suit premises to them. The consequences of default on either side have also been spelt out in the application.

3. We have perused the application. As learned counsel for the parties state on instructions that the terms and conditions of the settlement recorded in the application have been arrived at on their own free will and volition and without any coercion or undue influence, from any quarter, we do not see any impediment in taking the said settlement on record.

4. The application is allowed and the settlement, set out therein, is taken on record. Parties shall remain bound by the terms and conditions thereof. The application is disposed of. The appeal and other pending applications are also disposed of in terms of the settlement arrived at between the parties.

HIMA KOHLI, J

ASHA MENON, J

SEPTEMBER 24, 2019/s