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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 902/2018 and C.M. Appl. No. 45932/2018 (for stay)

ASHOK KUMAR GUPTA

..... Appellant

Through: Mr. T.S. Ahuja and Mr. Varun Ahuja,
Advocate.

versus

KRISHAN @ SIRI KRISHAN

..... Respondent

Through: Mr. Vipin Nandwani, Mr. Sanjay Suri
and Mr. Rashabh Relan, Advocates
(Mobile No. 9211212221).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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07.02.2019

1. After arguments, this appeal is disposed of with the following consent order:-

(i) The respondent/defendant will pay to the appellant/plaintiff a total sum of Rs.41,00,000/- in full and final settlement of all claims of the appellant/plaintiff in the subject litigation and arising from the subject agreement to sell.

(ii) Out of the amount of Rs.41,00,000/-, a sum of Rs.20,50,000/- will be paid to the appellant/plaintiff by the respondent/defendant within a period of four weeks from today. Counsel for the appellant will give to counsel for the respondent the bank account number of the appellant so that the money can be directly deposited in the bank account of the

appellant. Needful be done in this regard within one week from today.

(iii) The balance amount of Rs.20,50,000/- will be paid to the appellant by the respondent at the time when the criminal case which is pending between the parties arising out of an FIR No. 41/2014 is quashed or cancelled by the appropriate and concerned court. Both the parties undertake to this Court that they will file a joint petition in this regard before the concerned court within a period of six weeks from today.

(iv) Whatever amount has been deposited on behalf of the appellant/plaintiff in the suit proceedings, that amount along with accrued interest will be refunded back by the concerned court to the appellant.

2. It is clarified that in case the total amount of Rs.41,00,000/- is not paid to the appellant by the respondent within three months from today, then future interest at 15% per annum simple will run on this amount of Rs.41,00,000/- till payment of this amount to the appellant by the respondent.

3. Since the appeal is compromised before arguments, the appellant will be held entitled to refund of 50% of the of court fee as per Section 16-A of the Court-Fees Act, 1870 (as applicable to Delhi). Registry will issue the necessary certificate in favour of the appellant.

4. The present appeal is disposed of in terms of the present consent order.

VALMIKI J. MEHTA, J

FEBRUARY 07, 2019/JK