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

+ **CS(COMM) 30/2015**

MR PARVEEN KUMAR JOLLY & ANR Plaintiffs

Through Ms.Vibha Mahajan, Advocate with
plaintiff no.1 in person.

versus

MR RAMAN KUMAR & ANR Defendants

Through Mr.Rajiv Bajaj, Advocate with D-1 in
person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **14.01.2019**

I.A.No.416/2019

After some arguments, learned counsel for the defendants wishes to withdraw the present application. Consequently, the same is dismissed as withdrawn.

CS(COMM) No.30/2015

Present suit has been filed for permanent and mandatory injunction, recovery of possession, mesne profits and damages. The prayer clause in the present suit is reproduced hereinbelow:-

(a) Decree of possession in favour of plaintiff no.1 and against the defendants in respect to the second floor along with terrace of the suit property bearing No.D-140, New Rajinder Nagar, New Delhi;

(b) Decree of mesne profits and damages in favour of the plaintiff no.1 and against the defendants at the rate of Rs.45,000/- per month with effect from 01.11.2015 till the date of handing over the actual physical possession of the second floor along with

terrace of the aforementioned suit property;

- (c) Decree of permanent injunction restraining the defendants from executing any documents including sale deed or other title or ownership documents in favour of any third party in respect to 2/3rd share in the suit property bearing No.D-140, New Rajinder Nagar, New Delhi except in favour of the plaintiff no.2 company;*
- (d) Decree of mandatory injunction in favour of the plaintiffs and against the defendant no.1 directing the defendants to take necessary steps for the conversion of the suit property bearing No.D-140, New Rajinder Nagar, New Delhi from leasehold to freehold along with the plaintiff no.1 and thereafter execute the sale deed in respect to 2/3rd share in the suit property in favour of the plaintiff no.2 and present the same for registration;*
- (e) Decree for costs be also awarded in favour of the plaintiffs and against the defendants;*
- (f) Any other or further order(s) that this Hon'ble Court may deem fit in the facts and circumstances of the present case."*

On 07th October, 2016, the present matter was amicably resolved by way of Settlement Agreement executed before the Delhi High Court Mediation and Conciliation Centre. Under the Settlement Agreement dated 07th October, 2016, a sum of Rs.3 crores was to be paid by the defendants to the plaintiffs in various instalments in full and final settlement.

Till date, the defendants have only paid a sum of Rs.45 lakhs to the plaintiffs under the aforesaid Settlement Agreement.

Today, learned counsel for the defendants, on instructions of defendant no.1 who is personally present in Court, states that the defendants shall pay Rs.2,65,00,000/- in full and final settlement of

the plaintiffs' claims within a period of six months i.e. on or before 15th June, 2019. He further states that, in the event of default in payment of the aforesaid sum within the stipulated period, the present suit shall stand decreed in terms of aforesaid prayers (a) to (d) in the present suit. Any sum paid till that date (including a sum of Rs.45 lakhs) shall be adjusted towards mesne profits and the excess amount be refunded to the defendants without any interest.

Learned counsel for the plaintiffs, on instructions of plaintiff no.1 who is personally present in Court, states that the plaintiffs have no objection to the present suit being decreed in the aforesaid terms. Learned counsel for the plaintiffs also assures and undertakes to this Court that, in the event the payment of Rs.2,65,00,000/- is paid on or before 15th June, 2019, the plaintiff no.1 will execute the title documents with respect to 1/3rd share of the suit property in favour of defendant no.1 and shall hand over the original title documents with respect to 2/3rd balance share to the defendant no.1 within a period of two weeks.

The statements/undertakings given by both the counsel are accepted by this Court and the parties are held bound by the same. Registry is directed to prepare a decree sheet accordingly.

With the aforesaid directions, present suit stands disposed of.

As a token of acceptance of today's order, the plaintiff no.1 as well as defendant no.1 and also their respective counsel are directed to sign the order sheet.

MANMOHAN, J

JANUARY 14, 2019/KA