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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
E.A.No.848/2020 in  
+ **EX. P. No.39/2020**

POONAM SYAL

.....Decree Holder

Through : Mr. Sameer Vashisht and Ms.  
Manshwy Jha, Advs.

versus

MEERA SYAL & ANR.

.....Judgment Debtors

Through : Ms. Manmeet Arora and Ms. Pavitra  
Kaur, Advs. For JD-1.  
Mr. Samar Bansal, Ms. Devahuti  
Pathak, Adv., Ms. Harsheen Madan  
and Mr. Sachin Mishra, Advs. For  
JD-2.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **02.09.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

**E.A. No. 848/2020**

1. This is a joint application filed by the parties under Section 151 of the Code of Civil Procedure, 1908 seeking withdrawal of the instant execution petition.
2. To be noted, the execution petition i.e. Ex. P. No. 39/2020 was filed to press for execution of the judgement and decree dated 20.05.2019.
3. The assertions made in the captioned application disclose that the judgement and decree dated 20.05.2019 was preceded by the settlement agreement dated 07.05.2019 arrived at between the parties.

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4. It is in this backdrop, as is apparent upon perusal of paragraphs 3 to 5 of the captioned application, that the parties have arrived at a fresh agreement:

*“3. That during the pendency of the present petition, the parties have been approached by an intended purchaser to purchase a part of the Property by private sale. In light of the same, the parties intend to mutually sell a part of the Property to the intended purchaser through a private sale. The parties will thereafter mutually sell or partition the remaining Property as per the terms of the Settlement Agreement dated 07.05.2019.*

*4. That keeping in view the interest of all the parties, it has been agreed and decided that the present Execution Petition be withdrawn and the parties be granted the liberty to approach this Hon’ble Court in future, in the event parties fail to deal with the property in accordance with the terms of the Agreement. The parties undertake to remain bound by the terms of the settlement dated 07.05.2019 and the Judgment dated 20.05.2019.*

*5. That the parties are accordingly seeking withdrawal of the present Execution Petition in view of the decision taken by the parties herein.”*

5. Given this development, the parties have sought the following substantive relief:

*“a. Allow the present application and the Decree Holder be permitted to withdraw the present Execution Petition while reserving liberty in terms of paragraph 4 of the application.”*

6. The application is signed by the decree holder, judgement debtor no. 1, judgement debtor no. 2 as also by the counsel for decree holder and judgement debtor no. 1.

6.1 The application does not bear the signatures of learned counsel for judgement debtor no. 2 i.e. Mr. Samar Bansal. Mr. Bansal, however, has joined the virtual-court hearing.

6.2 Mr. Bansal says that since he was not in town and, therefore, he could append his signatures to the captioned application. It is, however, Mr. Bansal's submission that judgement debtor no. 2 has signed the captioned application and the captioned application has been filed on instructions of judgement debtor no. 2.

7. Furthermore, the application is accompanied by the affidavits of the decree holder, judgement debtor no. 1 and judgement debtor no. 2.

8. I have perused the terms of settlement. In my view, the same are lawful. Therefore, having regard to the aforesaid, I am inclined to allow the prayer made in the captioned application.

8.1 It is ordered accordingly.

8.2 The parties will adhere to the terms of the settlement arrived at between them.

9. The captioned application is disposed of in the aforesaid terms.

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10. In view of the order passed in E.A. No. 848/2020, the execution petition shall stand consigned to record.

**RAJIV SHAKDHER, J**

**SEPTEMBER 02, 2020**

Aj/KK

*Click here to check corrigendum, if any*

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