

\$~23

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

%

Date of decision: November 10, 2022

+ **CONT.APP.(C) 26/2022 & CM APPL. 47266-47267/2022**

MUKESH KUMAR AND ANR.

..... Appellants

Through: Mr. P.K. Chaudhary, Advocate
alongwith appellant nos. 1 &2.

Versus

ANKIT PASRICHA AND ANR.

..... Respondents

Through: Ms. Beenashaw N. Soni, Ms. Mansi
Bhatia, Mr. Bhupesh Pandotra, Mr.
Pratyush Bhardwaj, Advocates for R-
1 &2 alongwith R1 and R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. When the matter was listed on the first call today, learned counsel appearing on behalf of the parties along with all the respective parties herein appeared in person. Learned counsel for the parties, after submitting their arguments at length and after interaction with the parties in person by this Court, have sought time to explore the possibility of settlement. Accordingly, the matter was passed over. When the matter was taken up again, learned counsel for the parties and parties appearing in person have

submitted that the parties have amicably arrived at a settlement recorded in Settlement Agreement dated 10.11.2022.

2. The said Settlement Agreement is taken on record.

3. In compliance of the said Settlement Agreement, appellants in person through their counsels have handed over all the original documents of the property being MIG Flat No.10-C, DDA Flats, Gulabi Bagh, New Delhi-110007 in the name of the original allottee Ms. Asha Pasricha issued by DDA to the respondents directly.

4. The parties shall remain bound by the terms and conditions of the said Settlement Agreement. It is hereby made clear that in case a party fails to abide by the terms and conditions of the Settlement Agreement, such party shall be liable to contempt of this Court and further prosecution. The parties shall also be free to initiate other actions/proceedings in accordance with law.

5. Learned counsel for the appellants has given an undertaking before this Court that in view thereof, neither of the two appellants shall create any *inter se* interest or third party rights in respect of the property and shall not use the alleged documents executed by Ms. Asha Pasricha in favour of the appellant no.1 or the alleged document executed by the appellant no.1 in favour of the appellant no.2.

6. Signatures of both the parties have been appended on the Settlement Agreement before this Court.

7. In view of the Settlement Agreement arrived at between the parties, the order dated 28.09.2022 is hereby set aside with the consent of the parties.

8. In view of above, the present appeal alongwith pending applications is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

NOVEMBER 10, 2022/So

