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

\+ RFA 514/2018, CM APPL. 11213/2024

M/S SHIVAM CONTRACTOR ..... Appellant

Through: Mr. S.K. Maniktala, Mr. Udit Maniktala and Mr. Mohit Sharma, Advs.

versus

IMAMUDDIN ..... Respondent

Through: Mr. Rais Faroqui, Mr. Anzar Kamal, Mr. Iffat Fatima, Mr. Ali. A. And Mr. L. S. Faroqui, Advs.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 24.04.2024

1. Respective counsel for the parties submit that a settlement has been arrived at between the parties during the course of mediation. The terms of the settlement, as set out in the report of the concerned Mediator are reproduced as under:-

9. The Parties have, accordingly, agreed and settled, as under:

*a. That the appellant/defendant would pay an amount of Rs.35,35,786/- (Rupees thirty five lakh thirty five thousand seven hundred and eight six only) [hereinafter the '**Settlement Amount**'] to the respondent/plaintiff in full and final discharge of all its obligations under the present Appeal [R.F.A No.514 of 2018], pending before the Hon'ble Court.*

*b. That the respondent/plaintiff shall receive and accept the '**Settlement Amount**' from the appellant/defendant in full and final discharge of all its entitlements under the present Appeal [R.F.A. No.514 of 2018], pending before this Hon'ble court.*

c. That the aforesaid 'Settlement Amount' shall be released to the respondent/plaintiff in the name of "Imamuddin Saifi" from and out of the amount lying deposited in this Hon'ble Court in terms of the Orders

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dated 08.04.2021 and 25.05.2021 of this Hon'ble Court.

d. That the entire balance amount, including the up to date accrued interest on the entire deposited amount, shall be released to Mr. Rajesh Sharma, being the Sole Proprietor of M/s Shivam Contractor (the Appellant).

e. That the Parties shall pray to the Hon'ble Court for Orders/directions for refund of the Court Fees paid by them, which includes the Court Fee paid by the respondent/plaintiff on the Plaint; and the Court Fee paid by the appellant on the present Appeal.

f. That the Parties shall jointly file an application before the Hon'ble Court for recording the present Settlement and for disposing of the Appeal in terms thereof.

g. That the Execution Petition [being Execution Civil No.10 of 2018] filed by respondent/plaintiff, presently pending before the Court of ADJ-02, South West, Dwarka Courts, Delhi shall also stand settled and shall not be pursued further by the respondent/plaintiff.

h. The respondent/plaintiff shall forthwith and under advance intimation to the Appellant, file an application for withdrawal of its aforesaid Execution Petition as the decree, forming subject matter of the said Execution Petition, Decree having been fully satisfied."

2. The sole proprietor of the appellant and the respondent are present in person and affirm the factum of the aforesaid settlement. They confirm that the aforesaid settlement has been arrived at out of their own free will and volition and that all outstanding disputes between the parties, which are subject matter of the present appeal, have been settled in terms thereof.

3. Consequently, as jointly prayed, the present appeal is disposed of in terms of the aforesaid settlement agreement.

4. The Registry is directed to release the amount in terms of the aforesaid settlement agreement *viz*. Rs.35,35,786/- in favour of the respondent/plaintiff and the entire balance amount, including the accrued

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interest upto date, to Mr. Rajesh Sharma, the sole proprietor of M/s Shivam Contractor. Let the said amount/s be released within a period of one week from today.

5. The present RFA along with pending application/s, stand disposed of.

6. Respective counsel for the parties express their appreciation for the efforts on the part of the concerned mediator, as a result of which the settlement could fructify. At their joint request, it is directed that the appellant and the respondent shall pay a sum of Rs.50,000/- each (total Rs.1,00,000/-) to the said Mediator. Let the same be paid by the parties within a period of one week from today.

SACHIN DATTA, J

APRIL 24, 2024/r

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