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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 355/2023, CM APPL. 22303/2023 & CM APPL. 56096/2023
and CM APPL. No.17053/2024

SURESH CHAND Appellant

Through: Ms.Aditi Gupta, Advocate

versus

SMT. RAJWATI & ORS. Respondents

Through: Mr.Ayush Bodwal, Advocate

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

19.03.2024

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CM APPL. No.17053/2024

1. The present application under Section 151 of the Code of Civil Procedure, 1908, has been filed by the appellant seeking release of the remaining amount lying deposited with the Registry along with interest in favour of the appellant after releasing an amount of Rs.3,20,000/- therefrom in favour of the respondent. Learned counsel appearing on behalf of the appellant submitted that the disputes between the parties stand settled vide a settlement agreement dated 29th November, 2023 arrived at between the parties before the Mediation Centre, Dwarka Courts. A copy of the same has been placed on record along with the application as Annexure-A.

2. The learned counsel appearing on behalf of the appellant further submitted that since the parties have settled their disputes amicably, the present appeal may be disposed of in terms of the said settlement.



3. The learned counsel appearing on behalf of the respondents does not refute the factum of the settlement arrived at between the parties and also does not oppose the prayer made on behalf of the appellant seeking release of amount in terms of clause 5(b) of the settlement agreement dated 29th November, 2023.

4. Heard the learned counsel appearing on behalf of the parties and perused the settlement agreement dated 29th November, 2023.

5. In support of the contention of the appellant with regard to settlement, the learned counsel appearing on behalf of the appellant has placed reliance on paragraph 5 (b) of the settlement agreement dated 29th November, 2023, which reads to the effect:

“ 5.

b) Both parties states that some amount has been deposited by the defendant/appellant in the above mentioned connected appeal mentioned at Sr. no.1, before the Hon'ble High Court of Delhi. Both parties shall move an appropriate application for release of entire amount lying deposited in the Hon'ble High Court of Delhi, out of which the amount of Rs.3,20,000/- (Three lacs twenty thousand only) shall be released in favour of the plaintiff Smt.Rajwati only and the remaining balance deposited amount shall be released in favour of the defendant/appellant. Plaintiff no.2 and 3 have no objection if the said amount be released in favour of the plaintiff no.1 Smt. Rajwati, who is mother of plaintiff no. 2 and 3.”

6. In view of the above facts and circumstances, nothing is left for further adjudication in the present matter. Thus, the instant application is allowed and the instant appeal along with the accompanying applications, if any, stands disposed of in terms of the settlement agreement dated 29th



November, 2023. Furthermore, in terms of para 5(b) of the settlement agreement dated 29th November, 2023, the Registry is directed to release the remaining amount as deposited by the appellant with the Registry along with interest accrued thereon in favour of the appellant after releasing a sum of Rs.3,20,000/- in favour of Smt. Rajwati, i.e., plaintiff/respondent No.1 subject to verification of their proof of identities.

7. The application is disposed of.

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Since the parties have arrived at a settlement vide a settlement agreement dated 29th November, 2023, nothing is left for further adjudication in the present matter. The present appeal along with accompanying applications is thus disposed of in above terms.

CHANDRA DHARI SINGH, J

MARCH 19, 2024

rk/SV/RYP

Click here to check corrigendum, if any