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

+ **FAO (COMM) 98/2024**

DIN DAYAL AGRAWAL

.....Appellant

Through: Ms. Jaya Goyal and Ms. Manpreet
Kaur, Advocate.

versus

SIRI IN FIN LEASE PVT LTD

.....Respondent

Through: Ms. Deepali Aggarwal, Advocate
(through VC).

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **18.12.2024**

CM APPL. 74420/2024

1. This is an application filed by the applicant/appellant (hereafter *appellant*) seeking extension of time as mentioned in paragraph 6 of the application.

2. The applicant/appellant essentially seeks modification of a consent order dated 12.09.2024. The above captioned appeal was disposed of on the basis of consent terms, as recorded in paragraph 7 of the said order. The same is reproduced hereunder:

“7. In view of what is stated hereinabove while allowing the CM Appl. 53356/2024, the appeal is disposed of on the following agreed terms.

7.1 The appellant will pay Rs.95 lakhs towards full and final satisfaction of the impugned ex parte judgment and decree dated 03.06.2023 in the manner provided hereafter:

- (i) The first tranche amounting to Rs.15 lakhs will be paid on or before 20.09.2024.*
- (ii) The remaining amount i.e., Rs.80 lakhs will be paid in equal measure in four (04) quarterly installments. Thus,*



each installment of Rs.20 lakhs will be paid on or before the following dates i.e., 20.12.2024, 20.03.2025, 20.06.2025 and 20.09.2025.

- (iii) In case the appellant commits a default in adhering to the payment schedule indicated above, the respondent will be at liberty to execute the judgment and decree dated 03.06.2023.*
- (iv) The appellant will file an undertaking in the form of an affidavit within the next five (05) days, which would, inter alia, state that he would abide by the terms of the settlement. A copy of the affidavit will be furnished to Mr Kumar.*
- (v) The executing court will adjourn the proceedings, initially to 25.09.2024. Likewise, the executing court will adjourn the proceedings to a date beyond the date fixed for payment of the installment, as indicated in paragraph 7.1 above.”*

3. The parties had agreed that in the event the applicant/appellant commits a default in adhering to the payment schedule, the respondent will be at liberty to execute the judgment and decree dated 03.06.2023, which was the subject matter of the above captioned appeal.

4. Clearly, a consent order cannot be modified without the consent of the other party. The applicant would require to adhere to the terms of the consent order.

5. In view of the above, the present application is dismissed.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 18, 2024/kct

[Click here to check corrigendum, if any](#)