



\$~29

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

+ **RFA(OS) 130/2015**

S.A. LUTHRIA

..... Appellant

Through: Mr Sandeep Vishnu, Adv. along with
petitioner in person.

versus

RISHHI RAJ

..... Respondent

Through: Mr Harish Malhotra, Sr Adv with Mr
Rajender Agarwal and Mr Rishi Raj,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

30.05.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL.33620/2024 [*Application moved by the appellant for
withdrawal of appeal*]

1. This is an application moved on behalf of the appellant seeking
withdrawal of the appeal.

1.1 Plea taken in the application is that the disputants have arrived at a
settlement, which is the subject matter of the consent terms dated
23.05.2024. A copy of the consent terms is also appended to the application,
which is marked as Annexure J-1.

2. Issue notice.

RFA(OS) 130/2015

1/3



2.1 Mr Rajender Agarwal, advocate accepts notice on behalf of the non-applicant/respondent.

3. Mr Harish Malhotra, learned senior counsel, who appears on behalf of the non-applicant/respondent, on instructions, says that he is agreeable to the prayer made in the application concerning withdrawal of the appeal.

3.1 Mr Malhotra also affirms, as averred by the appellant, that the settlement as indicated above has been arrived at between the parties.

3.2 It is also submitted by Mr Malhotra that the consent terms bear the signatures of the disputants.

4. The disputants are physically present in the court, whose signatures on consent terms have been identified by their respective counsel.

5. On being queried, the parties confirm that the signatures on the consent terms are theirs.

6. We have perused the terms of settlement.

7. Although the settlement terms are lawful, save and except Clause (6) of the consent terms which stipulates that if any party violates the consent terms, they will be held in contempt of the court's order.

7.1 This is an aspect, which only the court has jurisdiction to decide. Violation of the court's order, if any, will be adjudicated upon institution of an appropriate petition under the Contempt of Courts Act, 1971.

8. Therefore, while we are of view that the terms of settlement are lawful, Clause (6) of the Consent Terms will operate only upon an appropriate application being filed in that behalf by the aggrieved

RFA(OS) 130/2015

2/3



party.

9.1 At that juncture, the court will rule, if necessary, as to whether any order needs to be passed.

10. Consequently, prayer made in the application is allowed.

11. The appeal is dismissed as withdrawn.

RFA(OS) 130/2015

12. In view of the order passed in CM Appl.33620/2024, nothing remains to be done in appeal.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 30, 2024/pmc

Click here to check corrigendum, if any

RFA(OS) 130/2015

3/3