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

+ RFA 513/2017 & CM APPL. 46534/2025

SUBHASH GUPTA

.....Appellant

Through: Mr. Varun Tyagi, Adv.

versus

LALIT KUMAR GUPTA

.....Respondent

Through: Mr. G.B. Sewak and Mr. Devesh
Sharma, Advs. for R-1, 2 and LR's of
R-3

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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01.08.2025

CM APPL. 46534/2025 (For withdrawal of Appeal)

1. The present is a joint application under Order XXIII Rule 3, read with Section 151 of Code of Civil Procedure, 1908 ("CPC"), seeking withdrawal of the present appeal as per a Settlement Deed between the parties.
2. Learned counsels appearing for the parties submit that with the intervention of the near and dear ones, the parties have mutually and amicably settled the present matter, and the same has been reduced in writing *vide* a Settlement Deed under a Memorandum of Understanding dated 28th March, 2025, a copy of which has been placed on record, along with the present application.
3. Thus, the parties herein seek permission of this Court to withdraw the present appeal in terms of the Settlement Deed dated 28th March, 2025, arrived at between the parties.



4. It is submitted that as per the settlement, the entire amount deposited by the appellant in compliance of Order dated 19th May, 2017 in the present appeal, shall be refunded/released to the appellant, and the possession of the suit property shall be handed over to the respondent.

5. It is further agreed that the respondent shall have no right on the amount deposited by the appellant, and the respondent shall refund the entire amount received by him either from the appellant or released from this Court in the course of the appeal.

6. Attention of this Court has been drawn to the order dated 19th May, 2017, wherein, this Court had directed as follows:

“xxx xxx xxx

CM No.19106/2017 (for stay)

Subject to appellant's depositing the amount of damages @ Rs. 10,000/- per month with effect from 26.05.2009 up till date with the Registry within two weeks, the operation of the impugned judgment and decree 13.10.2016 passed in CS No.278/2016 (New CS No.610797/2016) shall remain stayed till the next date of hearing.

xxx xxx xxx”

7. Attention of this Court has also been drawn to the order dated 03rd July, 2017, wherein, it was directed as follows:

CM No.21928/2017 (of the appellant under Section 151 CPC)

1. The appellant contends that on May, 2017 time of four weeks was granted to deposit the decretal amount but in the order the time of two weeks has been erroneously recorded.

2. Even the said time of four weeks has expired.

3. The counsel for the appellant states that the amount in terms of the order dated 19th May, 2017 shall be deposited today.

4. The amount is permitted to be deposited by tomorrow i.e. 4th July, 2017. 5. The appellant to also continue to deposit the future mesne profits as decreed month by month in advance for each month by the 10th day of the month. If the amount is not so deposited, the stay of execution granted shall stand vacated.

xxx xxx xxx”



8. Learned counsel appearing for the appellant submits that pursuant to the aforesaid orders dated 19th May, 2017, and 03rd July, 2017, the appellant had deposited the said amounts before this Court, which is lying with the Registry.

9. Accordingly, the Registry is directed to release the said amount deposited by the appellant, to the appellant. For this purpose, the appellant is directed to file the requisite application before the Registry of this Court so that the deposited amount can be released in favour of the appellant.

10. In case any interest has accrued on the deposited amount, the same shall also be released to the appellant.

11. At this stage, the parties jointly submit that the possession of the property in question is with the appellant, which shall be handed over to the respondent.

12. Accordingly, let possession of the property in question, be handed over to the respondent within a period of ten days, from today.

13. Noting the aforesaid submissions, and with the aforesaid directions, the present appeal, along with the pending applications, is disposed of as settled.

MINI PUSHKARNA, J

AUGUST 1, 2025/KR