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

% *Date of Decision: 22<sup>nd</sup> February, 2023*

+ RFA 390/2021 & CM APPL. 41360/2021, 41361/2021

ISHWAR SINGH ..... Appellant

Through: Mr. M.L Yadav, Advocate with  
Appellant-in-person.

versus

RAMESH PRAKASH ..... Respondent

Through: Respondent-in-person.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**JUDGEMENT**

**JYOTI SINGH, J. (ORAL)**

1. Present appeal has been filed assailing the impugned judgment and decree dated 29.06.2021 passed by the Trial Court in Civil Suit being Civ. DJ No. 608390/2016.

2. The Trial Court has decreed the suit for recovery of Rs.4,00,000/-, being the principal loan amount in favour of the Plaintiff (Respondent herein) along with interest @ 6% per annum, from the date of filing of the suit i.e. 20.12.2010 till realization of the decretal amount, with costs of the suit.

3. By an order dated 22.11.2021, this Court had granted stay of the operation of the judgment and decree dated 29.06.2021, subject to the Appellant depositing 75% of the decretal amount as computed on 22.11.2021, with the Registrar General of this Court, within a period of eight weeks. The amount was directed to be kept in an interest bearing FDR, till further orders.

4. Learned counsel appearing on behalf of the Appellant submits that instead of depositing 75% of the decretal amount, Appellant had deposited a higher amount of Rs. 6,52,000/- *vide* Banker's Cheque No. 058569 dated 16.08.2022 and further submits that the Appellant is willing to settle the matter if the Respondent is agreeable to receive a sum of Rs.6,52,000/- deposited in this Court in full and final settlement of his claim and will not press the appeal.

5. Respondent is present in person. He has been explained the offer made by the Appellant in Hindi Language, which he understands, and it is agreed by the Respondent that he would settle the matter finally if the amount deposited in the Court is released to him and would not make any further claim on the Appellant and the appeal can be disposed of.

6. The settlement arrived at between the parties is taken on record. Respondent has agreed to accept Rs. 6,52,000/- along with interest accrued thereon, in full and final settlement of all his claims and Appellant has agreed to withdraw the appeal. Needless to state, this settlement shall bind the parties.

7. Accordingly, it is directed that the amount deposited by the Appellant in this Court shall be released to the Respondent along with the interest accrued thereon till the date of release. List the appeal before the learned Registrar General on 13.03.2023, for the purpose of release of the aforementioned amount, subject to verification and other formalities required to be completed by the Respondent.

8. Since the matter has been settled between the parties, Appellant is entitled to refund of the Court Fee deposited by him, in accordance with provisions of Section 16 of the Court Fees Act, 1870 read with Section 89 CPC, 1908.

Neutral Citation Number: 2023/DHC/001385

9. Appeal is disposed of in the above terms along with the pending applications.

**JYOTI SINGH, J**

**FEBRUARY 22, 2023/rk/shivam**

