



\$~29

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

+ **RFA(COMM) 95/2022**

RAJEEV SETHI & ANR.Appellants

Through: Mr Aditya Hooda, Advocate.

versus

MEENU AGARWALRespondent

Through: None.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MS JUSTICE TARA VITASTA GANJU

ORDER

% **25.11.2022**

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

CM APPL. 51076/2022

1. Allowed, subject to the appellants filing legible copies of the annexures, at least three days before the next date of hearing.

RFA(COMM) 95/2022 and CM APPL. 51075/2022*[Application filed on behalf of the appellants seeking interim relief]*

2. Mr Aditya Hooda, who appears on behalf of the appellants, after some arguments, says that the appellants/defendants are agreeable to having the matter amicably settled, through a mediator.



3. This apart, Mr Hooda has pointed out, that the impugned decree has some serious flaws i.e., the agreement, based on which the appellants/defendants have been foisted with liability, has not been signed by the appellants/defendants.

4. In this regard, reference is made to the agreement dated 11.04.2017 [Ex. P-1].

5. It is also stated, that the supplementary agreement [Ex. P-2] has not been signed by the appellants/defendants.

6. Furthermore, it is contended that the e-mails relied upon for the period spanning between 18.03.2017 and 02.11.2018 were not in line with the provisions of Section 65B of the Information Technology Act, 2000.

6.1 That said, it is not in dispute, that Rs.2.10 lacs were made over to the respondent/plaintiff.

7. The respondent/plaintiff has claimed the balance money with interest, in the suit action.

7.1 The appellants/defendants concededly did not file the written statement within the allocated timeframe, and instead filed an application under Order VII Rule 11 of the Code of Civil Procedure, 1908.

7.2 An application for review of the judgement and decree dated 13.01.2021 was also preferred.

8. There are shades of grey in the matter.

8.1 We are of the view that mediation may help in resolving the dispute.

9. Accordingly, issue notice to the respondent/plaintiff.



9.1 The notice will be accompanied by the order passed by us today, to ascertain from the respondent/plaintiff as to whether or not she would be interested in participating in the mediation.

10. List the matter on 16.12.2022.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

NOVEMBER 25, 2022 / tr

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

RFA(COMM) 95/2022

page 3 of 3