

18 Misc SCJ 117/22 K.L. SHARMA Vs. KULBIR BHASIN

20.05.2023

Present Proxy counsel with applicant/defendant.
 Ld. Counsel with non-applicant/plaintiff.

Counsel for non-applicant/plaintiff submits that he does not wish to file any reply to the present application and he is ready to advance arguments on the same orally today itself.

During the course of arguments, it is stated on behalf of applicant/defendant that applicant/defendant is willing to make payment of Rs.60,000/- which was settled amount between the parties at the time when the present suit was pending. However, same is opposed by counsel for non-applicant/plaintiff on the ground that the settlement was arrived at between the parties in the year 2019 and since then the defendant/applicant has delayed making payment of the settlement amount and in terms of the settlement, now the non-applicant/plaintiff is entitled to receive not only Rs. 60,000/- but the entire suit amount along with interest. However, he has further submitted that there is no objection to the non-applicant/plaintiff in receiving payment of Rs.60,000/- today, without prejudice to his other rights and contention. In view of the submissions made, demand draft of Rs. 60,000/- in favor of the non-applicant/plaintiff is handed over by defendant in Court today itself. Receiving be taken on previous ordersheet.

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In view of the said payment made today, nothing further survives in the present application. Non-applicant/plaintiff is at liberty to pursue his remedies as available under law, with respect to settlement dated 17.07.2019.

Accordingly, the present application is disposed off with the clarification that the payment made today under the said application is not payment of decretal amount.

File be consigned to Record Room.

**(Deepti Devesh)
Senior Civil Judge-cum-Rent Controller
South East, Saket Courts, New Delhi
20.05.2023**