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

+ **CS(OS) 631/2014**

SANDIP SOMANY & ANR. Plaintiff
Represented by: **Mr. Sahil Garg, Advocate.**

versus

RAM NIWAS JINDAL & ORS. Defendant
Represented by: **Mr. Avinash Trivedi, Adv. for D-1.**

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

% **ORDER**
05.11.2020

The hearing has been conducted through Video Conferencing.

I.A.10119/2020 (under Order XXIII Rule 3 CPC)

1. By this application the plaintiffs and defendant No.1 seek decree of the suit against defendant No.1 in terms of the settlement arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre on 13th February, 2020.
2. Taking the settlement agreement on record the application is disposed of decreeing the suit qua defendant No.1.

CS(OS) 631/2014

1. Plaintiffs and defendant No.1 have entered into a settlement before the Delhi High Court Mediation and Conciliation Centre on 13th February, 2020 on the following terms and conditions, as noted hereinunder:

- a. That the Defendant No.1 has agreed to pay interest @ 24% on Rs.50,00,000 (Rupees Fifty Lakhs Only) w.e.f 06.10.2008 to 03.11.2016 which comes to Rs. 97,00,000/- [Rupees ninety seven lakhs only] vide the following cheques:*



S.No	Cheque No.	Dated	Drawn on	Amount (in INR)
1.	200346	13.02.2020	Union Bank of India, Shalimar Bagh Branch	48,50,000/-
2.	200347	13.02.2020	Union Bank of India, Shalimar Bagh Branch	48,50,000/-
				Total: Rs. 97,00,000/-

The said cheques have been issued to the satisfaction of the Plaintiffs in full and final settlement of the present dispute / claims qua the Defendant No.1. The Defendant No.1 undertakes that the above said cheques shall be honoured upon their presentation. In case of default, the Defendant shall be liable to pay interest @ 24% per annum on the defaulted amount.

b. The Defendant No.1 undertakes to appear before the Hon'ble Delhi High Court and depose as a witness as to the contents of the Written Statement filed by the Defendant No.1. "

2. The settlement agreement is duly signed by Mr. Sandip Somany (plaintiff No.1) on behalf of himself and as power of attorney holder of plaintiff No.2 and by defendant No.1 himself. Copy of the special power of attorney by plaintiff No.2 in favour of plaintiff No.1 has also been received along with the copy of the settlement agreement from the Delhi High Court Mediation and Conciliation Centre.

3. Learned counsel for the defendant No.1 states that the amount as agreed between the plaintiffs and defendant No.1 has already been paid through the cheques as mentioned in the settlement agreement which have been duly honoured.

4. Consequently, the suit is decreed in favour of the plaintiffs and



against defendant No.1 in terms of the settlement. Decree sheet will incorporate the terms of settlement.

5. Vide order dated 19th February, 2020 statement of learned counsel for the plaintiffs has been recorded that the suit will proceed against defendants No.2 to 4.

6. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

NOVEMBER 05, 2020
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