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

+ CS(OS) 144/2014 and IA No. 962/2014

IUP JINDAL METALS & ALLOYS LIMITED Plaintiff
Through : Mr. P.K. Mittal, Adv.

versus

SIT FLEXIBLE HOSE PVT LTD Defendant
Through : None

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **24.11.2015**

This suit has been filed by the plaintiff against the defendant under Order 37 of the CPC for recovery of ₹66,15,719/-. Suit amount has been claimed on account of dishonoured cheques issued by the defendant to the plaintiff to clear the outstanding against the supply of goods by the plaintiff to the defendant. It has been mentioned in para 8 of the plaint that six complaints under Section 138 of the Negotiable Instruments Act, 1881 (“the Act”, for short) had also been filed before the Metropolitan Magistrate, Delhi.

Despite service, defendant has not entered appearance. However, Learned counsel for the plaintiff has brought to the notice of this Court that plaintiff and defendant have entered into a settlement before Delhi

Mediation Centre, Patiala House Court, New Delhi on 20th July, 2015 in respect of the complaints under Section 138 of the Act wherein also same dishonoured cheques involved. In terms of the settlement, defendant has to pay a sum of ₹33,00,000/- in full and final settlement of all the claims of plaintiff, in 20 monthly instalments. Photocopy of the proceeding-sheet of the Judge Incharge, Delhi Mediation Centre dated 20th July, 2015, containing the terms of settlement, has been produced.

In view of the above, it is submitted that suit may be disposed of as not pressed at this stage with liberty to the plaintiff to get it revived, in case, terms of the settlement are not complied with by the defendant. Accordingly, suit is disposed of. However, liberty is granted to plaintiff to get the suit revived, if necessary. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 24, 2015

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