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

+ **MAC.APP. 95/2012 & CM No.1544/2012**

AMIT KUMAR CHOWDHRY Appellant
Through: Mr. Sharad Chandra, Adv.

versus

JASWINDER KAUR & ORS Respondents
Through: Mr. Shakti Chand Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
30.08.2016

1. The appellant and respondent No.1 are present in Court along with their respective counsels.
2. The appellant has handed over a cheque bearing No.573176 dated 07th September, 2016 for Rs.50,000/- to respondent No.1 and cheque bearing No.573174 dated 07th September, 2016 for Rs.20,000/- to learned counsel for the respondents towards the litigation cost. The appellant submits that statutory amount of Rs.25,000/- deposited with this appeal be released to respondent No.1. The appellant further submits that he is not in a position to pay any further amount to the respondents.
3. Respondent No.1 present in Court along with her counsel submits that considering the financial position of the appellant, the respondents agree not to recover the balance award amount from the appellant subject to the encashment of the two cheques handed over in the Court today.
4. The appellant undertakes to this Court that both the aforesaid cheques handed over today in Court shall be honoured on their first presentation. The undertaking of the appellant is hereby accepted.

5. The Registry shall release the statutory amount of Rs.25,000/- to respondent No.1 within a period of three weeks from today.
6. In view of the respondents agreeing not to recover the balance award amount from the appellant, the appellant does not press this appeal and seeks permission to withdraw the same.
7. The appeal and CM No.1544/2012 are dismissed as withdrawn. However, in the event of dishonour of any of the aforesaid cheques in their first presentation, the appellant shall be liable for consequences of violation of the undertaking given to this Court.
8. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

AUGUST 30, 2016
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