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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 641/2016**
AHLCON PARENTERALS (INDIA) LTD Plaintiff

Through: Dr. B.K. Dash, Advocate along with
Ms. Heena Tangri, Advocate.
Mr. Ranjan Kumar Sahu, Authorized
Representative for the Plaintiff.

versus

USHA DISTRIBUTORS & ORS Defendants
Through: Mr. Akshay Ringe, Advocate.

CORAM:
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **01.12.2016**

I.A. 14847/2016 (application under Section 152 CPC on behalf of the plaintiff).

The application has been moved by the decree holder stating therein that the present decree has been passed on the basis of settlement between the parties. The statement of Mr. Kiran Somalwar, Partner of Defendants No. 1 and 2 firms was recorded on 09.11.2016 whereby he undertook to pay the amount of Rs. 2,62,09,469/- with interest at the rate of 10% on the diminishing balance from 16th July, 2014. It is submitted that while passing the decree on the same date, inadvertently, this direction could not be issued. Learned counsel for defendants has prayed that the order be rectified to this effect.

Learned counsel for the defendants has submitted that he has no objection if the application be allowed and confirmed to the statement made by the partner of Defendant nos. 1 and 2.

In view of the above, it is directed that an order dated 09.11.2016 is rectified to the effect that “.....*The amount of Rs.2,62,09,469/- shall carry interest @ 10% on the diminishing balance from 16.07.2014*” be added and the relevant paragraph shall now be read as:-

“Arguments were heard in part. Parties have expressed their desire to resolve the matter amicably. The partner of defendants No. 1 and 2 firm, Shri Kiran Somalwar is present in Court. He wishes to make a statement. His statement has been recorded separately, wherein the defendant has given an undertaking to pay Rs.2,62,09,469/- to the plaintiff. The amount of Rs.2,62,09,469/- shall carry interest @ 10% on the diminishing balance from 16.07.2014”

The application stands disposed of with these directions.

Decree sheet be prepared accordingly.

DEEPA SHARMA, J

DECEMBER 01, 2016

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