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

+ CM(M) 822/2016

TODAY HOMES AND INFRASTRUCTURE
PRIVATE LIMITED

..... Petitioner

Through Mr. Vivek Sibal and Mr. Jitender
Ratta, Advocates

versus

JITENDER SINGH & ANR

..... Respondents

Through Mr. Rajesh Chhetri, Mr. Rajeev
Chhetri and Ms. Meenakshi Rawat,
Advocates with respondent in person

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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05.09.2016

CM No. 30808/2016 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 822/2016 and CM No. 30807/2016 (stay)

1. Today the petitioner has, in compliance of the last order dated 24.8.2016, given a Banker's Cheque drawn on Syndicate Bank for a sum of Rs.30 Lac to the respondent Jitender Singh who is present in person in Court.
2. Learned counsel for the petitioner submits that after today's payment of Rs.30 Lac a balance of Rs.39,92,500/- is payable to the respondent in terms of the Award dated 26.08.2011.
3. Learned counsel for the respondent has disputed the said amount and he submits that approximately a balance of Rs.47 Lac remains due and

payable in terms of the Award.

4. After some arguments, learned counsel for the petitioner undertakes on behalf of the petitioner that he would pay the balance sum of Rs.39,92,500/-, which as per the petitioner is payable to the respondent, in instalments of Rs.10 Lac each. The first instalment would be paid on or before 7.10.2016; the second on 7.11.2016; the third on 7.12.2016 and the final one of the remaining amount on 7.01.2017. He submits that the dispute regarding the balance which is claimed by the respondent may be adjudicated by the trial court.

5. Learned counsel for the respondent, on instructions from the respondent who is present in person, submits that he has no objection to the offer made by the petitioner.

6. In view of the above, the present petition is disposed of in terms of the above undertaking given by the petitioner. The petitioner shall remain bound by the said undertaking. In case of default by the petitioner, the respondent shall be free to execute the decree. The issue of the remaining balance sum as claimed by the respondent shall be determined by the trial court. The impugned order to the extent that it directed issue of warrants of attachment and directs the Managing Director of the petitioner to furnish personal affidavit, is set aside. The respondent shall not execute the decree, as long as the petitioner complies with the above terms. The interest shall be payable by the petitioner, as per the decree. The petition stands disposed of as above.

JAYANT NATH, J.

SEPTEMBER 05, 2016/‘raj’

