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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **EX.P. 406/2015**
YOGESH AGGARWAL & ANR Decree Holders
Through: Mr. J.M. Bari with Ms. Meenakshi
Bari, Adv. along with DH-1.
versus
VIKAS GOYAL & ANR Judgement Debtors
Through: Mr. Rishi Pal Singh, Adv.
CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER
% **04.08.2016**

1. Though the judgment debtor no.1 is reported to be unserved and only the judgment debtor no.2 Smt. Nidhi Goyal has been served but Mr. Rishi Pal Singh, Advocate (Enrolment No.D/1120/05) appears for both the judgment debtors and states that he was also the counsel in RFA (OS) No.15/2015 preferred against the decree of which execution is sought. He also states that it has been agreed between the judgment debtors on the one hand and the decree holders on the other hand that subject to the judgment debtors paying a sum of Rs.50,50,000/- to the decree holders in ten equal monthly instalments through Post Dated Cheques (PDCs) starting from 10th August, 2016, the entire decretal amount shall stand satisfied.
2. The counsel further states that he is authorised from both the judgment debtors to give an undertaking to this Court on behalf of the judgment debtors (i) that the judgment debtors will, on or before 7th August, 2016 hand over PDCs in the name of decree holder no.1 Yogesh Aggarwal for the 10th day of each succeeding month starting from August, 2016 for a

sum of Rs.5 lacs each; (ii) that each of the said cheques shall be honoured on presentment; and, (iii) that a cheque dated 10th August, 2016 of Rs.50,000/- in the name of Mr. J.M. Bari, Advocate for the decree holder shall also be handed over by 7th August, 2016.

3. The judgment debtors through counsel have been informed of the consequences of breach of undertaking given to the Court.
4. The decree holders confirm the aforesaid.
5. Recording the aforesaid and binding the judgment debtors to their undertaking, the execution is disposed of.
6. It is further stated by the counsels that it has also been agreed that in the event of any of the cheques being dishonoured, the decree holders, besides initiating proceedings for contempt of Court against the judgment debtors, shall also be entitled to execute the decree for the entire amount.
7. It is ordered accordingly.

RAJIV SAHAI ENDLAW, J

AUGUST 04, 2016
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