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

+ OMP (ENF.) (COMM.) 6/2015

SHRI AMAR SINGH Petitioner
Through Mr.A.N. Sharma, Adv.

versus

MAHAN TRADERS & ORS. Respondents
Through Mr.Ajay Gaiind, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **08.07.2016**

The case is taken up today as 7th July, 2016 was declared a holiday on account of Idu'l Fitr.

The present execution petition has been filed by the petitioner in view of the order passed on 30th October, 2014. It would be appropriate if the said order be reproduced. The same is reproduced as under:

“OMP No. 659/2008 & Crl. M.A. 5700/2012
OMP No. 646/2010 & I.A. No. 14575/2010

1. Arguments have been heard in the captioned matters at some length. After some arguments, the parties have decided to settle the matter.
2. The petitioner, Mr Amar Singh, who is present in court, has made an offer of full and final settlement. The petitioner's offer is that on receiving a sum of Rs. 5.50 crores, he will give up all claims in the matter. It is also his offer that out of the sum of Rs. 5.50 crores, Rs. 80 lacs be paid, immediately, in the form of down payment, and the balance

sum of Rs. 4.70 crores be paid on or before 31.10.2015. Mr Amar Singh also stated that he will give a no-objection to the respondents to enable them to deal with property, which is referred to as, Neelam Cinema, Faridabad. The petitioner's statement, setting out the offer has been recorded by me in court today.

3. In so far as respondent no.1 partnership firm is concerned, the two legal heirs of late Mr Jaswant Singh, Mr Ram Kumar and Mr Parmod Chauhan, are present in court. They have accepted the offer made by the petitioner herein. Respondent no.3, though not present in court, on his behalf his son, Mr Ashok Kumar Chauhan, who is present in court, accepts the offer of the petitioner based on instructions received from the said respondent. He assures the court that an affidavit of Mr. Ram Singh, respondent no.3, will be filed in court. Similarly, Mr Ram Kumar and Mr. Pramod Chauhan, assure the court that an affidavit of Mr Pravin Chauhan, other legal heir of respondent no.2, will be filed in court to exemplify his acceptance of the offer.

4. At this stage, Mr Gaiind, learned counsel for the respondents, says that, if it is possible, the said affiants will present themselves in court for recording their statement. Mr Gaiind also says that a cheque in the sum of Rs. 80 lacs, will also be brought to court.

5. Similarly, Mr Nandrajog assures the court that no-objection certificate will be brought to court which will be handed over to the other side on receipt of Rs. 80 lacs.

6. It is, however, made clear that till such time the entire payment, as agreed to between the parties, is made, there shall remain a charge on the aforementioned property for the balance sum.

7. List on 31.10.2014.”

Learned counsel for the respondents submit that the said order dated 30th October, 2014 has been complied with. The petitioner by 23rd June, 2016 has received a total sum of Rs.5,60,98,630/-. In case the order dated

30th October, 2014 is read, it appears that the offer was made by the petitioner before the Court that on receiving a sum of Rs.5.50 crores, he will give up all his claim in the matter. The said order was accepted by the respondents. A sum of Rs.18 lacs in terms of order was paid. Remaining sum of Rs.4.70 crores was to be paid by the respondents on or before 31st October, 2015. It appears from the record that undisputedly on 23rd December, 2015 the respondents paid a sum of Rs.50 lacs; the amount of Rs.70 lacs was paid on 4th February, 2016 and the remaining sum of Rs.3.50 crores along with interest @ 10% to the tune of Rs.10,98,613/- (from the period March till 30th June, 2016) was paid on 23rd June, 2016. As a matter of fact, it appears from the order dated 30th October, 2014 that there was no penal clause of interest if the amount was not paid on or before 30th October, 2015. Despite of that, the respondents have paid entire amount and have also paid the interest @ 10% (from the period March till 30th June, 2016). The petitioner is claiming interest @ 18% from 1st November, 2015. I am not inclined to grant interest as claimed by the petitioner. It is a matter of fact, that petitioner has received the entire amount as well as interest @ 10% amounting to Rs.10,98,613/- (from the period March till 30th June, 2016). Nothing survives in the petition. Order dated 30th October, 2014 is treated to be complied by the respondents. The petitioner is directed to issue fresh 'No Objection Certificate' to deal with the property in any manner to the respondents within four weeks from today.

The present petition is disposed of accordingly.

MANMOHAN SINGH, J

JULY 08, 2016/vp