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

+ **CO.PET. 457/2016 & CO.APPL. 1947/2016**

SMT. SHRUTI CHANDRA

..... Petitioner

Through: Mr. M.Dutta, Advocate.

versus

NOIDA SOFTWARE TECHNOLOGY

..... Respondent

Through: Ms. Pracheta Kar, Advocate.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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25.04.2017

CO.APPL. 837/2017

The present application has been filed on behalf of the parties jointly under Order 23 Rule 3 of the Code of Civil Procedure, 1908 for recording of compromise and disposal of the company petition.

Learned counsel appearing on behalf of the parties in unison state that the latter have arrived at an amicable resolution of the underlying dispute, by way of a Memorandum of Understanding dated 20.04.2017, a copy of which is annexed with the present application as Annexure-A.

The agreement entered into between the parties is lawful and the same is accepted and taken on record, leaving the parties to abide by their reciprocal obligations, without demur.

In terms of the aforesaid Memorandum of Understanding dated 20.04.2017 the following cheques/DD have been handed over by the respondent-company to the petitioner:-

S. No.	Cheque No./DD	Bank	Date of Cheque/DD	Amount (Rs.)
1	245582	Punjab National Bank	12.04.2017	1,00,000/-

2	397911	-do-	20.05.2017	40,000/-
3	397912	-do-	20.06.2017	40,000/-
4	397913	-do-	20.07.2017	40,000/-
5	397914	-do-	20.08.2017	40,000/-
6	397915	-do-	20.09.2017	40,000/-
7	397916	-do-	20.10.2017	40,000/-
8	397917	-do-	20.11.2017	60,000/-
9	397918	-do-	20.12.2017	60,000/-
10	397919	-do-	20.01.2018	60,000/-
11	397920	-do-	20.02.2018	60,000/-
12	397921	-do-	20.03.2018	60,000/-
13	397922	-do-	20.04.2018	60,000/-
14	397923	-do-	20.05.2018	60,000/-
15	397924	-do-	20.06.2018	60,000/-
16	397925	-do-	20.07.2018	60,000/-
17	397926	-do-	20.08.2018	60,000/-
18	397927	-do-	20.09.2018	80,000/-
19	397928	-do-	20.10.2018	80,000/-

Learned counsel appearing on behalf of the respondent undertakes that the aforesaid post-dated cheques shall be duly honoured and sufficient funds shall be maintained in the account at all relevant times. The undertaking is accepted.

In view of the above the present application is allowed and disposed of accordingly.

CO.PET. 457/2016

In view of the foregoing, learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to revive the same in the event the respondent-company defaults in performing its obligations under the aforesaid settlement.

Leave and liberty granted. The petition is dismissed as withdrawn and disposed of accordingly.

SIDDHARTH MRIDUL, J

APRIL 25, 2017

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