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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 4/2017 & CM Nos.44/2017 & 45/2017
M/S BRAHMAPUTRA INFRASTRUCTURE LTD..... Petitioner
Through Mr.Rajinder Pal Singh, Advocate

versus

M/S DOZER WORLD PVT LTD Respondent
Through None

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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03.01.2017

1. Despite advance copy of the petition being served on the respondent, none is present on behalf of the respondent.
2. By the present petition under Article 227 of the Constitution of India the petitioner seeks to impugn the order dated 15.12.2016 by which the trial court had imposed the liability of Rs.50,000/- on the petitioner on account of loss of interest. The respondent had filed a suit for recovery which was compromised on 23.2.2015. As per statement recorded of the petitioner's Authorised Representative the petitioner had undertaken to pay to the plaintiff/respondent the decretal amount of Rs.9,50,000/- in three instalments first being of Rs.3,50,000/-, second and third instalment of Rs.3,00,000/- each. The instalments were to start from March 2015 and were to be paid by 10th of each month.
3. However, there was delay on the part of the petitioner in making the payment to the respondent. Instead of making the payment in March, April

and May 2015 the petitioner has made payments after an execution petition having been filed by the respondent on 1.6.2015, 9.07.2015 and 20.8.2015.

4. Learned counsel appearing for the petitioner submits that at best there is a delay of about three months and the imposition of costs as computation of interest @ Rs.50,000/- is excessive.

5. Keeping in view the submissions of learned counsel for the petitioner and also keeping in view the fact that the delay is at best of about 3 odd months in payment of the instalments, it would be in the interest of justice that the amount of interest payable by the petitioner be reduced to Rs.25,000/-. Ordered accordingly. Petition stands disposed of. All pending applications, if any, also stand disposed of.

6. Dasti.

JAYANT NATH, J

JANUARY 03, 2017

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