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

+ **CS(OS) 2854/2015**

M/S KUANTUM PAPERS LTD Plaintiff

Through Mr.Ashim Vachher with Mr.Aman
Shankar, Mr.Pawash Piyush and
Mr.Sumeet, Advocates.

versus

M/S SHREE SWASTIC SALES CORPORATION PVT LTD & ORS
..... Defendants

Through None

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **10.07.2017**

I.A.No.4900/2017

Present application has been filed by the plaintiff seeking to reduce the claim amount.

In the present application, it has been averred that during the pendency of the present suit, an MOU dated 05th July, 2016 was entered into between the plaintiff and M/s Princess Choice Hotel Pvt. Ltd., Upender Soni and Shalini Soni. The relevant portion of the said MOU is reproduced hereinbelow:-

“(vi) That it is made clear between the First Parties and Second Party that the aforesaid amount is NOT towards any full and final settlement of the Claim of the Second Party towards Shree Swastic and the Jain Brothers and is only limited to claim against M/s Swift Boutique Hotels Pvt. Ltd., M/s Swift Global Pvt. Ltd. or its assets. Further the Second

Party shall be at liberty to recover the balance amount Rs.2,95,92,523/- (Rupees Two Crore Ninety Five Lacs Ninety Two Thousand Five Hundred and Twenty Three Only) together with interest and costs, from the Jain Brothers and M/s Shree Swastic Sales Corporation Pvt. Ltd. through the pending court proceedings in the aforesaid suit.”

Learned counsel for the plaintiff admits that a sum of Rs.4,34,45,000/- has been paid by M/s Princess Choice Hotel Pvt. Ltd., Upender Soni and Shalini Soni. He also states that he would take steps to recover the balance amount (i.e. Rs.6,30,00,000/- – Rs.4,34,45,000/-) along with the interest from M/s Princess Choice Hotel Pvt. Ltd., Upender Soni and Shalini Soni.

Keeping in view the aforesaid statements made by learned counsel for the plaintiff as well as the MOU dated 05th July, 2016, the claim amount in the present suit is reduced to Rs.2,95,92,523/-

With the aforesaid observations and directions, present application stands disposed of.

CS(OS) 2854/2015 & I.A.Nos.19687-19688/2015

Present summary suit has been filed under Order XXXVII CPC for recovery.

On 27th February, 2017, the leave to defend application being I.A.No.9164/2016 filed by defendant nos.1 to 3 was dismissed in default.

Subsequently, the intervention application being I.A.No.3323/2016 filed by Shivam Bhagat was also dismissed.

In the opinion of this Court, as the leave to defend application has already been dismissed, the plaintiff is entitled to a decree straightway. Accordingly, the suit is decreed for a sum of Rs.2,95,92,523/- along with simple interest @ 6% per annum.

Registry is directed to prepare the decree sheet accordingly.

MANMOHAN, J

JULY 10, 2017
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