

CR-272-2018 (O&M)
Date of Decision: 11.07.2018

M/s Paruthi Engineers Pvt. Ltd.

.....Petitioner

Versus

M/s S.I. Enterprises and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**Present:** Ms. Sharmila Sharma, Advocate
for the petitioner.Mr. Amit Kumar Goyal, Advocate
for the respondents.**DEEPAK SIBAL, J. (ORAL)**

Through the present petition challenge is made to the order dated 15.11.2017 passed by the Civil Judge (Senior Division), Sonapat (for short the Trial Court) through which the application filed by the respondents under Order 7 Rule 11 CPC has been accepted and consequently the suit for recovery filed by the petitioner has been ordered to be dismissed.

The facts in brief as culled out from the record and after hearing the learned counsel for parties are that on 29.08.2014, the parties had arrived at a compromise in the Court of the Id. Additional Sessions Judge, Rohini, Delhi as per which all the disputes between them would stand settled if the respondents would pay to the petitioner a total sum of Rs.14 lakhs. It is admitted that in pursuance to the aforesaid settlement the agreed amount of Rs.14 lakhs has been paid by the respondents to the petitioner.

In spite of the afore-referred facts the petitioner, after receipt of the agreed settlement amount, filed a suit seeking therein recovery of Rs.16,03,076/- along with Court fee of Rs.86,000/- from the respondents.

It is admitted that the amount for which the suit was filed pertained to the period prior to the settlement. That being so, the petitioner having compromised the matter with the respondents and in pursuance of that compromise having received the agreed amount could not have filed the instant suit seeking recovery from the respondents of the amount allegedly due towards the petitioner for the period prior to the compromise. Therefore, the Trial Court has rightly rejected the suit filed by the petitioner after accepting the application filed by respondents under Order 7 Rule 11 CPC. The order impugned through the present petition warrants no interference.

Dismissed.

(DEEPAK SIBAL)
JUDGE

11.07.2018
Neha

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No