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

+ **CS(OS) 1508/2005**

PARVEEN KUMAR JOLLY Plaintiff

Through: Ms. Vibha Mahajan Seth, Advocate.

versus

HARI STEEL & GENERAL IND. LTD. & ANR Defendants

Through: Mr. Manish Aggarwal and Ms. Priyanka Kathuria, Advocates for D-1.

Ms. Manmeet Arora and Mr. Rishabh Bansal, Advocates for D-3 and 4.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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05.02.2018

I.A. No. 1701/2018 (under Order 23 Rule 3 CPC, filed by plaintiff and defendant no. 1)

1. This is a joint application filed by plaintiff and defendant no. 1 in the suit for specific performance. By this application plaintiff and defendant no. 1 have compromised the suit whereby plaintiff has received a sum of Rs.3 crores with accrued interest plus Rs.2.11 crores from the defendant no. 1 in full and final satisfaction of the claims as against defendant no. 1 qua the suit property which is the subject matter of the present suit.

2. This application is signed by the parties and their counsels and

is also supported by the affidavits of the parties.

3. Requirements of Order 23 Rule 3 CPC are satisfied and therefore this application is accepted and the suit is disposed of as compromised between the plaintiff and the defendant no. 1 as per the terms stated in I.A. No. 1701/2018.

4. Registry will release the amount of Rs.3 crores lying in this Court along with accrued interest to the plaintiff within a period of four weeks from today. This amount is deposited in compliance of the order dated 20.12.2006 passed in Bail Application Nos.4109-4110/2006 with respect to FIR No. 517/2006.

5. Counsel for defendant no. 1 has handed over the following three bank drafts totalling to Rs.2.11 crores to the counsel for the plaintiff in this Court today:-

- (i) D.D. No. 503776, dt. 11.1.2018 for Rs. 1,11,00,000/-
- (ii) D.D. No. 503900, dt. 24.01.2018 for Rs. 50,00,000/-
- (iii) D.D. No. 503899, dt. 24.01.2018 for Rs. 50,00,000/-

(All drawn on ICICI Bank, Panchsheel Park Branch, New Delhi).

6. As per the present application the suit is disposed of as not pressed against defendant nos. 3 and 4 and the plaintiff has agreed to move an application in the suit for specific performance filed by defendant nos. 3 and 4 against the defendant no. 1 for deletion of the present plaintiff from the array of parties in the suit CS (OS) 2046/2006. This aspect is also a part of the compromise and present plaintiff will stand deleted on an application being filed in the said CS (OS) 2046/2006.

7. The suit is accordingly disposed of in terms of the aforesaid observations by drawing up a decree as per the terms stated in this I.A. 1701/2018. Parties are left to bear their own costs.

VALMIKI J. MEHTA, J

FEBRUARY 05, 2018

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