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

+ O.M.P.(I) (COMM.) 252/2018

M/S CAPITAL FIRST LIMITED

..... Petitioner

Through: Ms. Anandita Singh, Adv with Mr.
Farid Ahmed, AR of petitioner

Versus

SH. ASHWANI KUMAR DEWAN & ORS. Respondents

Through: Mr. Anmol Jain with Mr. Sanjeevani
Mittal, Advs for respondent no. 1

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **06.08.2018**

1. Notice in this petition was issued on 01.06.2018.
2. On that date, interim injunction was granted against the respondents whereby they were restrained from selling, disposing of, transferring, alienating or creating any third party interest in the property situate at B-4/46, First Floor, Sardarjung Enclave, New Delhi - 1100029.
3. On return of notice, Mr. Anmol Jain, who appears for respondent No.1 has submitted that this petition is pre-mature and ought not to have been filed as an One Time Settlement (OTS)

has been arrived at between the parties. In this behalf, a copy of communication dated 31.05.2018 was placed before the Court in the Pre-lunch session.

4. Furthermore, Mr. Jain stated that respondents have been scrupulously making payments in terms of OTS.

5. Accordingly, a copy of the very same letter was handed over to the counsel for the petitioner who sought a pass over to obtain instructions in the matter.

6. Learned counsel for the petitioner has obtained instructions in the matter.

7. Learned counsel says that if respondents were to continue to make payments of further sums as indicated in the communication dated 31.05.2018, then, the petitioner would have no objection in having the captioned petition closed.

8. It is not disputed before me that the respondents have already paid the two instalments in the sum of Rs. 17 lakhs and 83 lakhs on the due dates i.e., 31.05.2018 and 05.06.2018 respectively.

9. Counsel for respondent No. 1 says that insofar as remaining three instalments are concerned they will be paid on the due dates.

10. I may indicate that the total OTS sum which has been agreed to be paid via DD/RTGS is an amount equivalent to Rs.5,35,00,000/- (Five crores thirty five lakhs only).

11. As indicated above, first two instalments have been paid out of the total OTS amount agreed between the parties.

12. For the sake of good order and record, the particulars of the instalments as stipulated in the communication dated 31.05.2018 are set forthwith below:-

Sr. No.	Date of Instalment	Mode of Payment	DD No./Bank Details	Amount (Rs.)
1	31/05/2018	DD/RTGS		17,00,000
2	05/06/2018	DD/RTGS		83,00,000
3	25/08/2018	DD/RTGS		25,00,000
4	25/10/2018	DD/RTGS		25,00,000
5	11/12/2018	DD/RTGS		3,85,00,000
		TOTAL		5,35,00,000/-

12.1 Thus, in view of the submissions advanced before me above, by counsel for the respondent and the petitioner, in my opinion, this petition need not proceed further for the moment.

13. The petition is closed with caveat that the injunction qua the immovable property referred to above will continue till the final instalment is paid.

14. The Registry is directed to scan and upload the communication dated 31.05.2018 for the purpose of record.

RAJIV SHAKDHER, J

AUGUST 06, 2018

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