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

+ CS(OS) 354/2016 & IAs No.8482/2016 (u/O XXXIX R-1&2 CPC) &
4804/2017 (u/O XI R-1 CPC)

RAMA RANI THAKUR & ANR Plaintiffs

Through: Ms. Garima Sharma, Adv.

Versus

RAJNI & ORS Defendants

Through: Mr. N.K. Kukreja, Adv. for D-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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03.12.2018

1. The counsel for the plaintiffs and the counsel for the defendant No.3 state that the dispute subject matter of the suit has been settled and the plaintiffs have already received some amount from the defendant No.3 and the defendant No.3 is to pay the balance settlement amount of Rs.8 lakhs today in Court.

2. The counsel for the defendant No.3 has in Court handed over to the counsel for the plaintiffs cheque dated 3rd December, 2018 bearing No.000067 in the name of "Rama Kant Thakur" drawn on Kotak Mahindra Bank, A-1/24, Safdarjung Enclave, New Delhi-110029 for a sum of Rs.8 lakhs in favour of the plaintiff No.1 and which has been accepted by the counsel for the plaintiffs.

3. I have enquired from the counsel for the plaintiffs and the counsel for the defendant No.3 of the eventuality in the event of the cheque being dishonoured.

4. It has been agreed between the plaintiffs and the defendant No.3 that a decree in the sum of Rs.16 lakhs in favour of the plaintiffs and against the defendant No.3 be passed, to be recoverable with interest @ 12% per annum in the event of cheque being dishonoured, from the date of dishonour till the date of realisation and in that case the plaintiffs shall also be entitled to costs of this suit towards the court fee and professional fee assessed at Rs.1.5 lakhs.

5. Accordingly, a decree is passed in favour of the plaintiffs and against the defendant No.3 of recovery of Rs.16 lakhs with interest @ 12% per annum from the date of dishonour till the date of realisation along with costs as aforesaid in satisfaction of the suit claim. However, in the event of the cheque handed over today being honoured, the decree shall stand fully satisfied.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

DECEMBER 03, 2018

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