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

+ CS(OS) 2405/2009

HARJYOT KAUR & ORS

..... Plaintiffs

Through: Mr.Siddharth Khattar and Mr.Vikas  
Sharma, Advocates

versus

TODAY HOMES AND INFRASTRUCTURE  
PVT LTD

..... Defendant

Through: Mr.Rahul Sharma, Advocate with  
Mr.Pradeep Malhotra, A.R. of  
defendant

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

% **19.11.2018**

1. Learned counsel for the plaintiff submits that plaintiff paid a sum of Rs.77,00,000/- to the defendant on 28<sup>th</sup> April, 2006 against which the defendant has deposited Rs.39,00,000/- with the Court on 12<sup>th</sup> November, 2014, which was released to the plaintiff vide order dated 03<sup>rd</sup> March, 2015 and the balance amount along with interest on the total amount is outstanding and payable by the defendant.
2. Mr.Pradeep Malhotra, AGM (Legal) of the defendant present in Court agrees to pay the principal amount of Rs.38,00,000/- along with interest @ 15% p.a. on Rs.77,00,000/- from the date of payment i.e. 28<sup>th</sup> April, 2006 up to 12<sup>th</sup> November, 2014 when Rs.39,00,000/- was deposited in this Court and interest @ 15% p.a. on the balance amount of Rs.38,00,000/- from 12<sup>th</sup> November, 2014 till the date of the payment. It is further submitted that the defendant's shall pay the entire outstanding amount in six instalments.

The first instalment shall be dated 15<sup>th</sup> February, 2019 and the subsequent instalments shall be after every three months and the total amount shall be refunded in 18 months from today. It is further submitted that the principal amount shall be adjusted in the last instalment and the five instalments shall be towards the interest.

3. Mr.Pradeep Malhotra gives the undertaking to pay the amount in the aforesaid terms. The undertaking of Mr. Pradeep Malhotra is accepted.

4. The suit is decreed in terms of the undertaking given today. The defendant is granted 18 months time to pay the decreetal amount in terms of the undertaking given hereinabove. In the event of any default, the plaintiff shall be entitled to recover the entire decreetal amount without waiting for the period of 18 months.

5. Mr.Pradeep Malhotra present in Court undertakes to give a sufficient security to the plaintiff to ensure that the decreetal amount is paid in terms of the undertaking given today.

6. The defendant shall furnish the adequate security to the plaintiff within one month from today. The defendant is further directed to give the conclusion of the computation of the six instalments amount to the plaintiff along with computation of the interest within one week from today.

7. The defendant shall remain bound by the undertaking given to this Court today.

8. The defendant had deposited Rs.39,00,000/- with the Registrar General of this Court in terms of order dated 22<sup>nd</sup> October, 2014 passed by Hon'ble Supreme Court which amount had already been released to the plaintiff against security. The interest, if any which has accrued on the said amount be also released to the plaintiff.

9. The plaintiff has given security for release of Rs.39,00,000/- deposited by the defendant. The security is discharged and the Registrar

General is directed to release the duly discharged security to the plaintiff.

10. The AGM (Legal) of the defendant shall sign the order sheet.

11. Pending applications disposed of.

12. Copy of this order be given dasti to counsels for the parties under signatures of the Court Master.

**J.R. MIDHA, J.**

**NOVEMBER 19, 2018**

**ds**