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

+ EX.P. 76/2018 & EX.APPL.(OS) 401/2018

SYSTEMAIR INDIA PRIVATE LIMITED Decree Holder

Through: Mr. Achal Gupta, Mr. Abhishek Seth
and Ms. Annie Rais, Advocates.

versus

ETA ENGINEERING PRIVATE LIMITED Judgement Debtor

Through: Mr. Sobti, Mr. Kohli, Mr. Takrim
Ahsan Khan, Advocates.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **22.10.2018**

1. Mr. Tej Pratap Singh, Deputy Manager and the authorised representative of judgement debtor present in Court along with his counsel has handed over the six demand drafts totalling Rs.1,80,58,949.38 to Mr. Phanish Kumar Dixit, Finance Controller and authorised representative of decree holder.
2. The judgement debtor is ready and willing to pay a further sum of Rs.20,00,000/- to the decree holder in full and final settlement and satisfaction of the decree by 08th November, 2018.
3. The decree holder acknowledges the receipt of Rs.1,80,58,949.38 and agrees to accept further Rs.20,00,000/- in satisfaction of the decree subject to the condition that if the amount is not paid by 08th November, 2018, the decree holder shall be entitled to recover the entire decreetal amount.
4. The authorised representative of judgement debtor undertakes to handover a post cheque dated 08th November, 2018 to the decree holder within one week from today. The authorised representative undertakes on

behalf of Directors of the judgement debtor that the aforesaid cheque shall be honoured on its first presentation. The undertaking of the judgement debtor is hereby accepted. The judgement debtor shall remain bound by the undertaking given to this Court.

5. This petition is disposed of in terms of the undertaking of the judgement debtor with liberty to the decree holder to revive the same in the event of dishonour of the above mentioned cheque for Rs.20,00,000/- to be handed over by the judgement debtor to the decree holder within one week from today. Pending application is disposed of.

6. The attachment of the bank accounts of the judgement debtors mentioned in paras-5(a)(i) to (iv) of the order dated 17th September, 2018 is hereby vacated/discharged. However, the attachment of the two immovable properties mentioned in paras-5(b)(i) and (ii) of the order dated 17th September, 2018 shall continue till the clearance of the cheque for Rs.20,00,000/-.

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

J.R. MIDHA, J.

OCTOBER 22, 2018

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