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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(OS)(COMM) 19/2017**

S. TECH INFO PVT LTD.

.....Appellant

Through

Mr. Harpreet Singh and Mr. Rajesh
Gupta, Advs.

versus

LORD KRISHNA BANK LTD.

..... Respondent

Through

Mr. Ateen Mathur, Mr. Amol Sharma
and Ms. Jagriti Ahuja, Advs.

AND

+ **RFA(OS)(COMM) 20/2017**

S TECH INFO PVT LTD.

..... Appellant

Through

Mr. Ateen Mathur, Mr. Amol Sharma
and Ms. Jagriti Ahuja, Advs.

versus

LORD KRISHNA BANK LTD.

..... Respondent

Through

Mr. Ateen Mathur, Mr. Amol Sharma
and Ms. Jagriti Ahuja, Advs.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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07.02.2018

Learned counsel for the parties state that the appeals can be disposed
of on the following consent terms:-

- i) The order and decree dated 26.04.2017 passed in CC No.191/2008
subject-matter of RFA(OS) (COMM) No.20/2017 would be partly
modified as Lord Krishna Bank Limited has given up its right of
interest prior to deposit of Rs.28,15,000/-, pursuant to the direction
given by the Company Court. In other words, the said Bank would
not be entitled to get interest @10% p.a. with effect from

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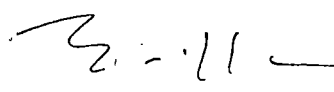
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01.06.2005 till the date of deposit. Secondly, direction to pay cost of counterclaim is modified. Cost is made easy. Parties would bear their own cost.

- ii) Counsel for Lord Krishna Bank Limited states that FDR of Rs.28,15,000/- along with interest has been encashed. The decree dated 26.04.2017, as modified by consent, therefore stands satisfied.
- iii) In view of the above order, learned counsel for the S. TECH INFO PVT LTD. seeks permission to withdraw the RFA (OS) (COMM) 19/2017.
- iv) Accordingly, RFA (OS) (COMM) 19/2017 is dismissed as withdrawn. Thus, appeal filed by the S. Techno Info Pvt. Ltd. against dismissal of CS (COMM) 313/2016 is dismissed as withdrawn.

2. The appellant would be entitled to refund of court fee in terms of Section 16A of the Court Fees Act, 1970 in appeals bearing RFA (OS) (COMM) Nos. 19/2017 and 20/2017.

The appeals are disposed of, in the above terms.


SANJIV KHANNA, J


CHANDER SHEKHAR, J

FEBRUARY 07, 2018/b