

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 115

Criminal Miscellaneous No.M-6906 & M-6907 of 2017
Date of Decision: *November 08, 2019*

Yuvraj Agro Foods Pvt. Ltd. & another

..... PETITIONER(S)

VERSUS

Subhash Kumar

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

. . .

PRESENT: - Mr. Bhupinder Ghai, Advocate, for the petitioner(s).

None for the respondent.

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Amol Rattan Singh, J (Oral)

On 17.10.2018, the following order was passed:-

“The matter after detailed parleys in Court has been settled with the active assistance of counsel for the parties.

As per the settlement, petitioners will pay ₹15 lakhs to the respondent on or before 20.11.2018. This amount will be paid either by way of demand draft in favour of respondent or by depositing the same in his account through RTGS or any other mode. The respondent will apprise the petitioner about his account number and particulars of bank. The petitioners will pay another sum of ₹55 lakhs in 11 instalments of ₹5 lakhs each, which will be paid on or before

20th day of each subsequent month. In default of payment of any of the monthly instalment in time, the petitioners will be liable to pay interest on that amount @ 12% per annum. However, if they fail to pay the due instalment by 20th of next month, this settlement shall stand collapsed and petitioners shall not be entitled to seek the refund of the amount paid by them.

On payment of all the instalments i.e. ₹15 lakhs + ₹55 lakhs, the respondent will not object to the quashing/withdrawal of the complaint (s) pending before the Magistrate.

List on 13.02.2019.

Interim order to continue.

Copy of this order be placed on the file of other connected matter.”

Thereafter, on November 06, 2019, the following order was passed:-

“Today learned counsel for the petitioners submits that the entire amount of money that was agreed to be paid by the petitioner to the respondent in terms of the order dated October 17, 2018, has been paid.

Since it is well past 4.00 p.m., counsel for the respondent is not present. Simply to determine as to whether counsel for the respondent admits to the aforesaid statement, adjourned to 08.11.2019.

To be shown in the urgent motion list.

A copy of this order be placed on the file of the other connected matter too.”

Today again, however, none appears for the respondent in either of these two petitions.

That being so, the inference to be taken by this Court is that the petitioner has actually complied with the order dated 17.10.2018, and has paid the respondent the money that was agreed to be paid as per the said order.

Consequently, with the respondent not coming forward to dispute what has been stated by learned counsel for the petitioners, the petitions are considered to have been rendered as infructuous and are disposed of as such.

November 08, 2019
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(Amol Rattan Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No