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

+ **W.P.(C) 7626/2013**

INDIAN RED CROSS SOCIETY Petitioner
Through: Ms.Jasvinder Kaur, Adv.

versus

SHAILESH KUMAR SHARMA Respondent
Through: Mr.K. Prabhakara Rao, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **06.03.2019**

C.M. No.5091/2018 (for restoration)

1. Vide the present application, the petitioner seeks restoration of the present writ petition which was dismissed in default and for non-prosecution on 20.12.2017.
2. Learned counsel for the petitioner states that the petitioner remained unrepresented on 20.12.2017 only because its earlier counsel had stopped appearing without any prior notice to the petitioner. She further states that the petitioner is willing to amicably settle the matter with the respondent by paying him the awarded amount and, therefore, prays that the writ petition be restored.
3. Notice of the present application was issued to the respondent on 09.02.2018. Though a reply opposing the said restoration has been filed, Mr.Rao, learned counsel for the respondent states that in view of the petitioner's willingness to settle the matter, the he does not

oppose the present application.

4. For the aforesaid reasons, the application is allowed and the writ petition is restored to its original position.

W.P.(C) 7626/2013

1. Learned counsel for the petitioner states that pursuant to the last order she has taken instructions and the petitioner is agreeable to settle the matter amicably with the respondent by paying him the awarded amount. She hand over a cheque for the awarded amount in favour of the respondent to the learned counsel for the respondent, who states that he has instructions to accept the said amount in full and final settlement of the respondent's claims against the petitioner.

2. In view of the matter having been amicably settled between the parties and the petitioner paying the awarded amount to the respondent, the writ petition has been rendered infructuous. It is however, made clear that the impugned order will no longer be enforceable.

3. At this stage, learned counsel for the petitioner states that the petitioner had deposited 50% of the awarded amount with the Registrar General of this Court pursuant to the order dated 03.12.2013 passed by this Court and prays that the said amount be refunded back to the petitioner.

4. In view of the matter having been amicably settled between the parties and the writ petition being disposed of, the Registry is directed to forthwith release to the petitioner the amount so deposited by it along with upto date accrued interest thereon.

5. The writ petition is disposed of in the aforesaid terms.

REKHA PALLI, J

MARCH 06, 2019
gm