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

+ CRL.REV.P. 850/2018 & CrI.M.A. 33259/2018

SHIV SHARMA

..... Petitioner

Through: Ms.Puja Anand, Mr.Jasjit S.Dhingra
and Ms.Manisha Parmar, Advs.

versus

PRATIBHA SHUKLA & ANR

..... Respondents

Through: Mr.Ghan Shyam Vashisht, Adv. for
R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **25.01.2019**

1. Learned counsel for the parties inform that mediation is not successful.
2. Petitioner impugns order dated 15.09.2018 whereby the Trial Court has noticed that petitioner has not made the payment as had been agreed to be made by order dated 13.07.2018. Petitioner was given last opportunity to make payment otherwise coercive action would be taken.
3. On 13.07.2018, Trial Court had recorded that written statement was filed by the petitioner herein (respondent before the Trial Court) and petitioner who was present in Court had stated that he had taken a sum of Rs.9,90,057/- from the father of the respondent (petitioner before the Trial Court) and he would return this amount within one month to the respondent through demand draft.

4. Learned counsel for the petitioner submits that petitioner had in fact stated before the Court that he had received this amount for purchase of articles and he would return the articles.
5. Learned counsel submits that since the Trial Court has erred in recording the statement of the petitioner that he would return the articles and not the money, she seeks leave to withdraw the petition with liberty to approach the Trial Court for correction of the statement recorded in order dated 13.07.2018.
6. Petitioner under the orders of this Court has already paid a sum of Rs.1 lakh.
7. In view of the above, the petition is dismissed as withdrawn with the liberty to the petitioner as prayed for.
8. It is clarified that this Court has not either examined nor commented on the validity of the statement made by the petitioner before the Trial Court or otherwise.
9. The interim protection granted to the petitioner by order dated 28.09.2018 is extended for a period of one week from today.
10. Order *dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 25, 2019

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