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

+ RFA 139/2017 & CM No. 4818/2017 (stay)

M/S ESTER INDUSTRIES LTD

..... Appellant

Through: Mr. Anil K. Kher, Sr. Adv. with Mr.
D.R.Bhatia and Ms. Vasundhara
Nayyar, Advocates (9910072729)

versus

M/S ANIL KUMAR, SUNIL KUMAR

..... Respondent

Through: Mr. Ateev Mathur, Advocate
(9811800816)

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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10.01.2019

1. This appeal is disposed of with the consent order that the impugned judgment and decree which is passed in this case will not be for a sum of Rs.8,97,478.77 but for Rs.1,00,000/- less i.e for Rs.7,97,478.77. The rest of the judgment will remain as it is. Appellant has deposited the entire decretal amount in this Court. Since the decree now is only for an amount decreed less Rs.1,00,000/-, the entitlement of the respondent/plaintiff in full and final satisfaction of the claim of the respondent/plaintiff will be a sum of Rs.7,97,478.77 alongwith interest thereon in terms of the impugned judgment and decree and till this total amount of Rs.7,97,478.77 plus

interest is deposited in this Court. On this amount which is deposited in this Court i.e an amount of Rs. Rs.7,97,478.77 alongwith interest, interest has further accrued because the amount will be lying in a fixed deposit and this total amount will be released to the respondent/plaintiff. The balance amount i.e a sum of Rs.1,00,000/- plus interest in terms of the impugned judgment till the date of deposit in this Court alongwith further interest accrued thereon as this amount is lying in a fixed deposit, will be released back to the appellant/defendant.

2. The appeal is accordingly disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

JANUARY 10, 2019

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