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

% Judgment delivered on: 15th September, 2020

+ CM(M) 377/2020& CM APPLN. 15133/2020, 19003/2020 & 20935/2020

SHEHBAZ HUSSAIN

..... Petitioner

versus

INDIAN BANK & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Kunal Kukreja, Advocate

For the Respondent : Mr. Mukul, Advocate

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 13.09.2019 whereby, in the Execution Petition filed by the respondent no. 2 seeking execution of decree dated 04.05.2018, the bank account of the petitioner was frozen.
3. Parties have settled their disputes. Settlement Agreement has been executed today and the same has been filed over-email of the Court Master. The settlement agreement dated 15.09.2020 is taken on

record.

4. Both – petitioner and respondent no. 2 are present in the office of the learned counsel for the petitioner through video conferencing. Mr. Jai Bansal, learned counsel for respondent no. 2 who is appointed as legal aid counsel is also connected through video conferencing. Petitioner and respondent no. 2 confirm the terms of settlement and undertake to abide by the same.

5. In terms of the settlement agreement, respondent no. 2 has handed over a sum of Rs. 7 lakhs to the petitioner by seven demand drafts, details of which are mentioned in the settlement agreement.

6. Respondent no. 2 consents to the setting aside of judgment and decree dated 04.05.2018 and also seeks to withdraw the suit being CS 55520/16 (Old No. 234/16) CNR No. DLND01-000039-2016, titled '*Ms. Anshu Vs. Shehbaz Hussain*'.

7. In view of the above statement of the parties, judgment and decree dated 04.05.2018 is set aside. The suit being CS 55520/16 is also dismissed as withdrawn.

8. Petitioner undertakes to withdraw the criminal complaint filed by the petitioner against the respondent no. 2 which is pending in the Court of Mr. Sumit Anand, MM-07, Patiala House Courts, New Delhi being Complaint Case No. 6343/2019, titled "*Shehbaz Hussain Naqvi Vs. Anshu & Ors*". Petitioner further undertakes to withdraw the

complaint filed by the petitioner against the son of the respondent no. 2 with Bar Council of Delhi as well as Bar Council of India. The undertaking is accepted.

9. Parties confirmed that pursuant to this settlement, they have no claim surviving against each other and all claims between them have been fully and finally settled. Parties shall be bound by the settlement terms.

10. In view of the withdrawal of Suit and the settlement terms referred above, impugned order dated 13.09.2019 is also set aside and the attachment of the bank account of the Petitioner is vacated.

11. Consequently the amount deposited by the Indian Bank pursuant to orders dated 13.09.2019 in the said Execution Petition are directed to be released to the petitioner *Shehbaz Hussain* by the Executing Court forthwith.

12. Petition is accordingly disposed of in the above terms.

13. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 15, 2020

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