

OCD-2

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
COMMERCIAL DIVISION

CS-COM/252/2024
[OLD NO CS/59/2021]
NO: GA-COM/4/2024

COLLIERS INTERNATIONAL INDIA PROPERTY SERVICES PVT LTD
VS
SIDDHA REAL ESTATE DEVELOPMENT PVT LTD

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : July 19, 2024.

Appearance:

Ms. Sanchari Chakraborty, Adv.

Mr. Sourojit Dasgupta, Adv.

Ms. Akanksha Chowdhury, Adv.

...for the plaintiff.

Ms. Rishika Goyal, Adv.

...for the defendant

The Court: Ms. Sanchari Chakraborty, learned Counsel, is appearing for the plaintiff and Ms. Rishika Goyal, learned Counsel, is appearing for the defendant.

The plaintiff and defendant have filed joint application being GA-COM/4/2024 praying for an order for recording the compromise entered between the parties on 24th April, 2024 in CS-COM/252/2024 (Old No. CS/59/2021).

The plaintiff has filed the suit against the defendant for a decree for an amount of Rs.92,65,347/- along with interest and allied prayers. During pendency of suit, by an order dated 13th December, 2022 the Appellate

Court had directed to deposit an amount of Rs.40,00,000/- in terms of the order passed by this Court on 14th November, 2022.

In compliance of the order passed by the Hon'ble Appellate Court, the defendant has deposited the said amount with the Registrar, Original Side of this Court and the said amount is lying with the Registrar of this Court.

Now the plaintiff and the defendant have entered into Deed of Settlement. The Settlement Deed is enclosed with this application being Annexure D page 27 to 44. At the time of hearing of the present application, the parties have also handed over original Settlement Deed dated 24th April, 2024. Let the original Deed of Settlement be kept with the record.

Considered the submission made by the respective parties. Perused the application and the Settlement Deed entered between the parties on 24th April, 2024.

After considering the Settlement Deed, this Court finds that there is no impediment to accept the settlement arrived between the parties. It is also found from the record that the Deed of Settlement was entered on 24th April, 2024 and in terms of the settlement parties have also acted upon and have enclosed the memo of receipt with this Settlement Deed. As the amount is lying with the Registrar of this Court and in terms of Deed of Settlement, the defendant is the liberty to receive the amount of Rs.40,00,000/- along with interest, if any, accrued therein from the Registrar, Original Side. The Registrar, Original Side is directed if the defendant applies for withdrawal of the said amount, the same may be released upon proper verification.

In view of the above, CS-COM/252/2024 [OLD NO CS/59/2021] is disposed of along with all connected applications are disposed of.

Decree be drawn accordingly by making the Deed of Settlement dated 24.04.2024 as part of the decree.

(KRISHNA RAO, J.)