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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **OMP (ENF.) (COMM.) 137/2023 & EX.APPL.(OS) 1804/2024**
MBL INFRASTRUCTURE LTDDecree Holder

Through: Ms. Anusuya Salwan, Mr. Rachit Wadhwa, Mr. Bankim Garg and Ms. Sonia Singh, Advocates (through VC)

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA
.....Judgement Debtor
Through: Mr. Gopal Singh, Adv.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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13.11.2024

OMP (ENF.) (COMM.) 137/2023

EX.APPL.(OS) 1804/2024 and EX. APPL. (OS).../2024 (unnumbered)

1. This is an application filed by the Petitioner under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 ('CPC') seeking leave to withdraw the present petition in terms of the settlement agreement dated 04.11.2024 executed between the parties.
2. At the outset, learned counsel for the Applicant/Petitioner states that though this application has been filed under Order XXIII Rule 3 CPC, the same may be treated as an application under Order XXIII Rule 1 CPC.
3. He states that parties have entered into a settlement agreement dated 04.11.2024 and as per the conditions therein, the Petitioner herein has undertaken to withdraw the present petition.
4. In view of the averments made in the application, the application is



hereby allowed and the petition is dismissed as withdrawn in terms of the settlement agreement dated 04.11.2024.

5. Learned counsel for the judgment debtor confirms the submissions of the decree holder and states that a settlement agreement dated 04.11.2024 stands executed. He also makes an oral prayer that an application has been filed by the judgment debtor in the registry vide diary no. E-5194779/2024 for release of the decretal amount deposited vide order dated 07.08.2023. He states that the decretal amount be released to the judgment debtor.

6. With the consent of the parties, the said application filed vide diary no. E-5194779/2024 is taken on board. The registry is directed to number the said application. Learned counsel for the decree holder states she has no objection to the release of the said amount.

7. Accordingly, prayer clause (a) of this unnumbered application is allowed and the registry is directed to release the amount to the judgment debtor along with the interest accrued thereon in the bank account, details whereof are mentioned in this application.

8. With the aforesaid directions, both applications stand disposed of.

9. The main petition along with pending application stands dismissed as withdrawn.

10. All future dates stand cancelled and all pending applications, if any, stands disposed of.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 13, 2024/mt/msh/MG

Click here to check corrigendum, if any