



\$~43

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

+ **O.M.P.(I) (COMM.) 315/2023 & I.A. 25358/2023**

JAINA MARKETING AND ASSOCIATESPetitioner

Through: Mr. Mudit Sharma, Ms. Nandini
Sharma, Mr. Abhishek Rathi,
Advocates.

versus

FORTUNA SKILL MANAGEMENT PVT. LTD.Respondent

Through: Mr. Preetam Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

14.11.2024

%

1. This is a petition under Section 9 of the Arbitration & Conciliation post passing the Award dated 19.08.2023 passed in favour of the Petitioner.
2. It is stated by learned Counsel for the Petitioner that the parties have entered into a settlement and in view of the settlement, learned Counsel for the Petitioner states that the petition has been rendered infructuous for the time being and therefore he seeks permission to withdraw the present petition.
3. Permission, as prayed for, is granted.
4. Learned Counsel for the Petitioner states that in the application for enforcement of the Award, the terms of the settlement agreement dated 23.10.2024 were filed in OMP (ENF.)(COMM.) 42/2024 and the parties have been bound by the said settlement. The Order dated 28.10.2024 passed



by this Court in OMP (ENF.)(COMM.) 42/2024 reads as under:-

“1. By way of this application, it has been brought out that the parties have arrived at settlement agreement dated 23.10.2024. A copy of the said settlement agreement has been placed on record. The said settlement agreement contemplates certain payments to be made by the judgment debtor to the decree holder within the timelines set out in the Clause 2 thereof. OMP (ENF.) (COMM.) 42/2024 & EX.APPL.(OS) 1728/2024

2. By way of this joint application, the judgment debtor and the decree holder have undertaken to remain bound with the terms of the aforesaid settlement agreement without any deviation. Further, judgment debtor has undertaken to make payment of the settlement amount in a timely manner as stipulated in the settlement agreement.

3. In light of the aforesaid, the parties jointly request that the present enforcement petition be disposed of in terms of the aforesaid settlement agreement. It is further requested that in light of the settlement agreement and the undertaking given by the judgment debtor, the attachment of two bank accounts of the judgment debtor as directed vide order dated 21.01.2024 be vacated. It is directed accordingly.

4. The present application as also the OMP (ENF.) (COMM.) 42/2024 stands disposed in the above terms. Pending applications also stand disposed of.

5. Needless to say, in case the settlement agreement is not adhered to, the decree holder shall be at liberty to revive the present enforcement petition against the judgement debtor, and also initiate appropriate proceedings for violation of the undertaking given to this Court, as recorded hereinabove.”



5. In view of the above, the petition is disposed of as withdrawn along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 14, 2024

hsk