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

+ **RFA(OS) 56/2011**

BANSAL ESTATE PVT. LTD. & ORS.

.....Appellants

Through: Mr. Ramesh Singh, Sr. Adv. with Mr.
Gaurav Tanwar and Ms. Shreya Jain,
Adv. for P-1.

versus

INTRA WAREHOUSING AND CONSULT PVT. LTD.

.....Respondent

Through: Mr. Anupam Srivastava, Sr. Adv.
with Mr. Vasuh Misra, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

29.01.2025

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1. The present appeal under Section 96 of the Code of Civil Procedure, 1908 seeks to assail the judgment and decree dated 20.12.2010 in CS(OS) 1729/2005. Vide the impugned judgment, the learned Single Judge has decreed the suit preferred by the respondent/ plaintiff by directing the appellant/ defendant to pay a sum of Rs.67.50 crores with interest @ 9% per annum w.e.f. 12.07.2005 till the date of realisation.
2. Learned senior counsel for the appellants, after some arguments and upon instructions from the appellants, seeks leave to withdraw the present appeal.
3. The appeal is, accordingly, disposed of as withdrawn.
4. In view thereof, learned senior counsel for the respondent submits that



since the respondent has already received the decretal amount from the appellants, and also since he does not press for the reliefs sought in RFA(OS) 21/2011, the appellants would not be entitled to raise any further claim against the respondent.

5. We agree with the fair suggestion of the parties and direct that since the respondent has already received the decretal amount from the appellants and also taking into account the order passed in RFA(OS) 21/2011, neither of the parties would be entitled to raise any further claims(s) against each other qua the transactions/ disputes involved in the present appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 29, 2025

Sr/bh