

(2017) 02 DEL CK 0224

In the Delhi High Court

Case No : 10046 of 2016

MOHINDER PAL

APPELLANT

Vs

REETA DEVI & ORS

RESPONDENT

Date of Decision : 02-02-2017

Acts Referred:

Citation : (2017) 02 DEL CK 0224

Hon'ble Judges : J.R. Midha

Bench : SINGLE BENCH

Advocate : Amit Rana, Kanchan Bala, Sanjoy Ghose, amicus curiae, Rhishabh Jetley

Judgement

1. The petitioner and respondent no.1, Reeta Devi are present in Court along with their counsels.
2. The petitioner has deposited a sum of Rs.3,33,000/- with the Registrar General of this Court on 23rd January, 2017 in terms of order dated 16th January, 2017. Learned counsel for the petitioner submits that the petitioner be permitted to settle this matter for Rs.6,13,000/- (Rs.3,33,000/- deposited with this Court on 23rd January, 2017 and Rs.2,80,000/- paid by him to respondent no.1 earlier).
3. Respondent no.1 present in Court with her counsel agrees to accept the above settlement.
4. Mr. Sanjoy Ghose, learned amicus curiae submits that the settlement of the petitioner is fair and reasonable and be taken on record.
5. The settlement between the petitioner and respondent no.1 for Rs.6,13,000/- (Rs.2,80,000/- + Rs.3,33,000/-) is fair and reasonable and is taken on record.
6. Learned counsel for respondent no.1 submits that the petitioner had paid Rs.1,50,000/- to respondent no.1 in cash on 28th November, 2016 and three cheques for Rs.45,000/-, Rs.45,000/- and Rs.40,000/- respectively were given

out of which the first cheque for Rs.45,000/- has been encashed whereas the remaining two cheques one for Rs.45,000/- dated 15th March, 2017 and another for Rs.40,000/- dated 15th February, 2017 have not yet been presented for payment. It is submitted that respondent no.1 is returning the said two cheques to the petitioner in Court and the petitioner be directed to deposit Rs.85,000/- with State Bank of India, Tis Hazari Court Branch within three weeks.

7. The petitioner present in Court along with his counsel has received the aforesaid two cheques in Court from respondent no.1 and the petitioner undertakes to deposit Rs.85,000/- with State Bank of India, Tis Hazari Court Branch by means of a cheque drawn in the name of State Bank of India A/c Reeta Devi.

8. With respect to Rs.3,33,000/- deposited by the petitioner with the Registrar General of this Court, the Registrar General is directed to transfer the said amount to State Bank of India, Tis Hazari Court Branch.

9. Upon receipt of the aforesaid amount, State Bank of India, Tis Hazari Court Branch shall transfer a sum of Rs.33,000/- to respondent no.1 in her savings bank A/c No.11634504609 with State Bank of India, AMY Bihariganj, PO - Bihariganj (IFSC Code: SBIN0006431, MICR Code: 852002706). The balance amount of Rs.3 lakh be kept in 60 FDRs of Rs.5,000/- each for the period of 1 months to 60 months respectively with cumulative interest in the name of respondent no.1.

10. Upon deposit of Rs.85,000/- by the petitioner with State Bank of India, Tis Hazari Court Branch in terms of this order, State Bank of India, Tis Hazari Court Branch shall issue 10 FDRs for Rs.8,500/- each for the period of 51 months to 60 months respectively with cumulative interest in the name of respondent no.1.

11. The original FDRs shall remain with State Bank of India and no premature discharge be permitted without the permission of this Court. However, the photocopies thereof shall be given to respondent no.1.

12. The maturity amount of the FDRs shall be transferred to the savings bank A/c No.11634504609 with State Bank of India, AMY Bihariganj, PO - Bihariganj (IFSC Code: SBIN0006431, MICR Code: 852002706) of respondent no.1.

13. This writ petition is disposed of in terms of the settlement between the parties recorded before this Court today.

14. List for reporting compliance on 23rd March, 2017.

15. The State Bank of India, Tis Hazari Court Branch shall submit the report of compliance of this order on the next date of hearing.

16. This Court appreciates the assistance rendered by Mr. Sanjoy Ghose, learned amicus curiae to this Court.

17. The parties shall sign the order sheet before leaving the Court.

18. Copy of this judgment be given dasti to counsels for the parties under signatures of the Court Master.