



\$~68

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 02nd May, 2025*

+ CM(M) 786/2025 & CM APPL. 25450-25451/2025

M/S AMLOH AGGARWAL STORES

.....Petitioner

Through: Mr. Vishwanathan Iyer, Sr. Advocate
with Ms. Shimpy Sharma and Ms.
Pooja Sharma, Advocates.

Versus

M/S LSC MARKETING INDIA PVT LTD & ANR.

.....Respondent

Through: Mr. Deepak Biswas and Mr. Siddharth
Swain, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein had been defending a suit which was commercial in nature.
2. When an application under Order XIII-A CPC was moved by the plaintiff, while allowing the same, the suit has been decreed in the following terms:-

“(i) A decree in the sum of Rs.9,73,968.39 (Rupees Nine Lakhs Seventy Three Thousand Nine Hundred Sixty Eight And Paise Thirty Nine Only) alongwith interest @ 12% per annum w.e.f 01.04.2019 till realization thereof has been passed in favour of plaintiff and against the defendant and his all the partners jointly and severally.

(ii) Plaintiff has also been held entitled to costs and pleader's fee quantified as Rs.22,000/-.”



3. Such order dated 19.09.2024 is under challenge.
4. At the very outset, learned Senior Counsel Mr. Vishwanathan Iyer and Ms. Shimpy Sharma, learned counsel for petitioner submit, on instructions, that the matter has been amicably settled between the parties and the petitioner herein i.e. judgment-debtor is ready to make a payment of Rs.14 lacs towards full and final satisfaction of the abovesaid decree to the plaintiff, within two weeks from today. Such payment, as undertaken today, shall be made through banking channel.
5. Mr. Deepak Biswas, learned counsel for respondent/plaintiff appears on advance notice and submits that when earlier a Regular First Appeal, challenging the same very order, had been filed by the petitioner herein, he had represented the plaintiff in such appeal also. He submits that he has also taken requisite instruction in this regard from the respondent/decree-holder and they have no objection to the abovesaid proposal given by the petitioner/judgment-debtor.
6. During course of the arguments, it has also been informed that when the Execution Petition in question was taken up by the learned Trial Court on 16.04.2025, it did not issue any notice to the judgment-debtor, as the Execution Petition had been filed within two years of the judgment and decree and on the basis of the request made by the decree-holder, warrant of attachment of the property of judgment-debtor was issued.
7. It seems that in terms of the abovesaid order, the current account of the petitioner/judgment-debtor i.e. account No.03422320005534, HDFC Bank, Branch: Main Post Office Road, Distt. Fatehgarh Sahib, Mandi, Govindgarh-147301 has been freezed.
8. During course of the arguments, learned counsel for



respondent/plaintiff has also given bank account details of the decree-holder i.e. Account No. 663005500320, ICICI Bank Limited 82, Janpath, New Delhi-110001 to which the abovesaid decretal amount of Rs.14 lacs, is to be transferred.

9. In view of the settlement between the parties, the present petition is disposed of with the following directions:-

- i) The matter stands amicably settled between the parties in aforesaid terms.
- ii) To reiterate, the petitioner herein would make payment of Rs.14 lacs within two weeks from today to the respondent/plaintiff/decreed-holder through online banking transaction.
- iii) On receiving such amount, the decree in question would stand fully satisfied.
- iv) As agreed, both the sides would approach HDFC Bank and while seeking de-freezing of the abovesaid account, a sum of Rs.14 lacs is also, simultaneously, transferred to the bank account of the plaintiff i.e. account No. 663005500320, ICICI Bank Limited 82, Janpath, New Delhi-110001.
- v) Once the amount of Rs.14 lacs is transferred to the bank account of decree-holder, the HDFC Bank account of petitioner i.e. current account No. 03422320005534 would become free from attachment.

10. Learned counsel for respondent/plaintiff/decreed-holder submits that though there is no other case pertaining to the dispute in question, in case, any action is already proposed or taken, the same would also not be pursued and



2025:DHC:3243



would be withdrawn.

11. Present petition stands disposed of in aforesaid terms.
12. Pending applications, if any, stand disposed of.
13. A copy of this order be given *dasti*, to both the sides under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

MAY 2, 2025/ss/SS