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

% **Date of Decision: 16th May, 2025**

+ **CM(M) 313/2025 & CM APPL. 23202/2025**

M/S DELHI PLYWOODS & ORS.Petitioner

Through: Mr. Dinesh Morya with Mr. Mohit
Kumar, Advocates along with
petitioner in person.

versus

M/S TRAK ENTERPRISESRespondent

Through: Mr. Prateek Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. When the matter was taken up on 22.04.2025, with the assistance of learned counsel for parties, the broad terms of the settlement were arrived at.

Such settlements terms were recorded as under:-

(i) *Petitioners/defendants agree and undertake to pay the alleged principal amount of Rs. 7,99,000/- along with interest @ 5 percent per annum within a period of 15 months.*

(ii) *Aforesaid amount would be paid in equal monthly instalments (EMIs) by tendering post-dated cheques before this Court.*

(iii) *Petitioners/defendants would also submit affidavit (s) clearly undertaking therein that all such cheques would be duly honoured on its presentation with the rider that if any such cheque gets dishonoured for any reason whatsoever, than not only the suit in question would result in decree with respect to the entire amount as sought in the suit, the contempt action shall also be initiated against them.*

2. Learned counsel for petitioners submits that affidavit, in compliance of the abovesaid directions, has already been filed but it is pointed out that the same is lying under scrutiny/objection.

3. Petitioners are, however, directed to file fresh affidavit in aforesaid terms before the learned Trial Court on the date fixed i.e. 20.05.2025.



4. In terms thereof, Mr. Arun Seth, partner of petitioner No.1 and representing the petitioner- Firm, appears in person and has handed over 16 cheques totaling Rs. 9,19,533/- He also assures that all these cheques would be duly encashed, on their presentation.
5. It is also submitted by him that, in case, any cheque gets dishonored for any reason whatsoever, the plaintiff would not only become entitled to the entire suit amount as prayed in the suit in question but he would make himself liable to face contempt action.
6. Learned counsel for both the parties submits that they would appear before learned Trial Court on 20.05.2025 with appropriate request to take on record the abovesaid settlement terms and then to pass a judgment/decree in terms of such settlement.
7. Petition stands disposed of in aforesaid terms with directions to parties to appear before the learned Trial Court on date fixed for making requisite statements.
8. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 16, 2025/sw/JS