



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3590 OF 2025
IN
COMMERCIAL FIRST APPEAL NO. 14 OF 2025
WITH
COMMERCIAL FIRST APPEAL NO. 14 OF 2025

Maersk Line India Pvt. Ltd.

... Applicant

Vs.

Parasmal Danmal Jain

... Respondent

WITH
CROSS OBJECTION (ST.) NO. 39921 OF 2025
IN
COMMERCIAL FIRST APPEAL NO. 21 OF 2025
WITH
INTERIM APPLICATION NO. 10025 OF 2025
IN
COMMERCIAL FIRST APPEAL NO. 21 OF 2025
WITH
COMMERCIAL FIRST APPEAL NO. 21 OF 2025

Parasmal Danmal Jain (Proprietor of
M/s. Kanak Industrial Corporation)

... Applicant/Appellant

Vs.

M/s. APM Terminals Pvt. Ltd.

... Respondent

Mr. Nakul Jain a/w. Apurva Mehta (Pohonerkar), Mr. Anuj Hande i/b. ANB
Legal for the appellant in COMFA/14/2025.

Mr. Anil Balani with Mr. H.R. Shetty, Mr. Deepak Kumar Pasi for the respondent
in COMFA/14/2025 and for the appellant in COMFA/21/2025.

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.
DATE: 22 SEPTEMBER, 2026.

P.C.

1. Commercial First Appeal No. 14 of 2025 is arising from the judgment
and decree dated 23 December, 2024 passed by the learned City Civil Court,

Mumbai on Commercial Suit No. 101123 of 2021, which has been disposed of in the following terms:

ORDER

1. Commercial Suit No. 101123 of 2021 - Parasmal Danmal Jain vs. Maersk Line India Pvt. Ltd. is partly decreed, with proportionate cost.
 2. Defendant, within two months, from the date of this Order, shall Pay Rs.4,75,416/- (Four lakhs Seventy Five Thousand Four Hundred and Sixteen only) to the plaintiff, with interest @ 9% per annum, from the date of filing of the suit, till its realization.
 3. Court fee, if any, be refunded to the plaintiff, as per rules.
 4. Decree be drawn up accordingly.
 5. Judgment pronounced in Open Court.
 6. Parties be informed about their right to challenge this judgment and period of limitation.
 7. After compliance and period of Appeal, Sheristedar and AS to consign Record of the Suit, to Record Room."
8. Commercial First Appeal No. 21 of 2025 is arising from the judgment and decree dated 23 December, 2024 passed by the learned City Civil Court, Mumbai on Commercial Suit No. 101121 of 2021, which has been disposed of in the following terms:

ORDER

- "1. Commercial Suit No. 101121 of 2021 - Parasmal Danmal Jain vs. M/s. APM Terminals Pvt. Ltd. is dismissed with costs.
 2. Decree be drawn up accordingly.
 3. Judgment pronounced in Open Court.
 4. Parties be informed about their right to challenge this judgment and period of limitation.
 5. After compliance and period of Appeal, Sheristedar and AS to consign Record of the Suit, to Record Room."
9. We have heard the learned counsel for the parties on the earlier occasion. On perusal of the record, we need to know the orders passed by this Court on the present proceedings. By order dated 22 July, 2026, this Court has directed 50%

of the decretal amount to be deposited in this Court. The said order reads thus:

“1. None appears for the Respondent in Commercial First Appeal No. 14 of 2025. The Respondent in Commercial First Appeal No. 14 of 2025 has filed a cross Appeal being Commercial First Appeal No. 21 of 2025.

2. There is an interim order which has been passed on 30th June 2025 wherein notice has been issued to the Respondent in Commercial First Appeal No. 14 of 2025 and Interim Application No. 3590 of 2025. By the said order, the Appellant was directed to deposit 50% of the decretal amount within a period of two weeks from the date of the said order, subject to which the execution of the balance amount under the impugned decree remain stayed till the next date of hearing.

3. The learned Counsel for the Appellant states that he has complied with the said order dated 30th June 2025 by depositing the 50% decretal amount by 14th July 2025.

4. Accordingly, the interim order dated 30 th June 2025 shall continue to operate till the next date.

5. The notice of this order shall be served by the Advocates for the Appellant in Commercial First Appeal No. 14 of 2025 on the Respondent.

6. In the event the Respondent fails to make an appearance on the next date in spite of the service of the notice of next date, the Commercial First Appeal No. 14 of 2025 shall be heard in the absence of the Respondent.

7. Both the Commercial First Appeals are accordingly stood over for admission to 30th July 2026”

10. By subsequent order dated 27 August, 2026, we had directed that the balance amount be deposited by the appellant-Maersk Line India Pvt. Ltd. The aforesaid orders were complied and as on date, the total amount of Rs.699699.08 stands deposited by the respondent in Commercial First Appeal No. 14 of 2025 in this Court.

11. It is on such backdrop, we have heard learned counsel for the parties on the earlier occasion. Both the parties have taken a very fair approach that considering the nature of the disputes, the disputes should be resolved. Accordingly, learned counsel for the parties are before the Court to contend that the parties have now

amicably settled the disputes and by consent of the parties, both the appeals can be disposed of in terms of the Minutes of the Order, which reads as under:

- i) The plaintiff withdraws Commercial Suit No. 101121 of 2021 and Commercial Suit No. 101123 of 2021 subject to receipt of Rs.699,669.08.
- ii) The sum of Rs.699,669.08 along with interest if any, be deposited by the respondent in Commercial First Appeal No. 14 of 2025 shall be released to the plaintiff forthwith.
- iii) Ordered as aforesaid. Accordingly, the Commercial Suit No. 101121 of 2021 and Commercial Suit No. 101123 of 2021 stands withdrawn. Commercial First Appeal No. 21 of 2025 and Commercial First Appeal No. 14 of 2025 with Cross-Objection no. 39921 of 2025 and all Interim Applications stands disposed as withdrawn.
- iv) Court fee to be refunded to the plaintiff as per rules if applicable.

12. We appreciate the aforesaid stand as taken by the parties. We, accordingly, dispose of the appeals in the terms of the Minutes of the Order as noted hereinabove.

13. We may also record that such consent has already been recorded by the parties in the Minutes of the Order, which are initialed for identification by the learned counsel appearing for both the parties.

14. Refund of Court fees accordingly is permitted as per rules.

15. The amounts as deposited are permitted to be withdrawn on an application made by the advocate for the respondent in Commercial First Appeal No. 14 of 2025.

16. Disposed of in the aforesaid terms. No costs.

17. In view of disposal of Commercial First Appeals, Interim Applications as well as the Cross-objection would not survive and the same are accordingly disposed of.

(DR. NEELA GOKHALE, J.)

(G. S. KULKARNI, J.)