

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.3114 OF 1999

Bank of India & Ors.	...	Plaintiffs
Vs.		
Kedia Castle Delleon Industries & Anr.	...	Defendants

Mr. Vishal Kanade, Adv. a/w. Mr. Kartikeya Desai, Adv. i/b. Kartikeya & Associates for plaintiff.
None for the respondents.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 7th January, 2015.

P.C. :

1. The advocates of the plaintiff have now tendered the original letter of Chhattisgarh Distilleries Ltd. which took over defendant No.1 Company and which offered one time settlement (OTS) of Rs.325 lacs as full and final discharge of NCD of Rs.1300 lacs initially on 21st January, 2008. That offer came to be revised upon negotiations to Rs.4.15 Crs. It has been paid off in three installments. The plaintiff had informed its advocate on 31st March, 2008 to withdraw the suit and claimed refund of 50% of the court fee. That was not done.

2. The suit remained on board from 1999 and even after 2008 unserved upon the defendants and unprosecuted. However, since now it is shown that the dispute was settled pending the suit, the suit is allowed to be withdrawn. The original documents (four pages) evidencing the aforesaid facts are taken on record.

3. Show cause notice is, therefore, discharged.
4. Suit is disposed of accordingly.

(ROSHAN DALVI, J.)