

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Second Appeal No.262 of 2005
(Sundarlal s/o Punamchand Kela v. Lokmanya Wachnalaya, Arvi, Dist.
Wardha)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Tapadia, Advocate, holding for Shri M.G. Bhangde, Senior
Advocate for Appellant.

Shri A.A. Naik, Advocate for Respondent.

Coram : R.K. Deshpande, J.

Dated : 16th January, 2015

Civil Application No.5 of 2015 :

The parties have filed this application for recording the compromise and disposing of the appeal in terms of the settlement. The points of settlement, as are written in the application, are reproduced below :

“(i) The parties agree that the appellant has paid rent of the suit shop upto 31/12/1994 and there is no dispute about the same.

(ii) The appellant has agreed to pay enhanced rent for the period 01/01/1995 to 31/12/2014 which comes to

Rs.1,03,680/-.

(iii) The appellant has agreed to pay enhanced monthly rent of Rs.1300/- from 1/01/2015 as per new rent agreement which is to be executed between parties after due compliance of terms agreed in this application.

(iv) The appellant has deposited monthly occupation charges in the lower courts as well as before this Hon'ble Court. The respondent has withdrawn some amount of the same. The respondent would be entitled to withdraw the remaining amount from the lower courts as well as Hon'ble Court.

(v) The appellant has agreed to pay a sum of Rs.10,000/- to the respondent towards expenses incurred by the respondent for erecting tin shed.

(vi) The appellant has also agreed to pay a sum of Rs.25,000/- to the respondent which the respondent has incurred towards the instant litigation.

(vii) That after the respondent withdraws the amount deposited by the appellant in the lower courts as well as this Hon'ble Court, the respondent will inform the total amount received by it till to-day and hereafter by way of withdrawal from the lower courts as well as this Hon'ble Court. Upon getting the said intimation, within one month thereof, the appellant shall pay the balance of the rent amount as well as further agreed amount of

Rs.35,000/-.

(viii) The parties agree that the appeal be disposed of in the above terms with no order as to cost thereof.”

Shri Tapadia, Advocate, holding for Shri M.G. Bhangde, Senior Advocate for the appellant, submits that the application is signed by the appellant. Shri Akshay Naik, the learned counsel for the respondent, submits that the said application is also signed by the respondent.

In view of this, the second appeal is disposed of in the aforesaid terms. No order as to costs.

Judge.

Lanjewar