

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.646 OF 2009

WITH

CIVIL REVISION APPLICATION NO.647 OF 2009

The Maharashtra State Co-operative Marketing
Federation Limited through its Managing Director ... Applicant
Vs.
M/s. Parasram Perumal & Company Trading Pvt. Ltd. ... Respondent

Mr. P. M. Palshikar for Applicant.
Ms K. C. Nichani for Respondent.

CORAM : R. G. KETKAR, J.

DATE : JUNE 14, 2016

P.C. :

Not on Board. At the joint request of Mr. Palshikar, learned Counsel for applicant and Ms Nichani, learned Counsel for respondent, taken up in the production Board.

2. Learned Counsel appearing for the parties have tendered the consent terms dated 14.06.2016 duly signed by Mr. Ramesh N. Thokare, Manager (Godown) on behalf of the applicant and by their Advocate as also by Mr. Sanjay Dabrai, Director of the respondent and by the Advocate for the respondent. Mr. Palshikar states that he has annexed authority letter dated 13.06.2016 of the applicant authorizing Mr. Ramesh N. Thokare to sign and file consent terms on behalf of the applicant. Parties have also tendered photocopies of the identity cards. The consent terms along with the authority letter as also the photocopies of identity cards are taken on record and marked 'X colly' for identification.

3. The Maharashtra State Co-operative Marketing Federation Limited

(applicant) in both the applications have agreed and undertaken to pay to the respondent amount of Rs.47,62,625/- for both godowns towards – i) compensation, ii) service tax, and iii) arrears of service tax in three installments specified in clause 3 of the consent terms. The parties have admitted and confirmed satisfaction of the decree passed by the trial Court and the appellate Court and that they have no claim against each other. Applicant also agreed to withdraw the above Civil Revision Applications. Respondent has agreed and undertaken to withdraw the Appeals No.481 of 2015 and 482 of 2015 filed by them against the decision passed by the trial Court within one week after filing of the consent terms.

4. Learned Counsel appearing for the parties submit that C.R.As may be disposed of in terms of the consent terms. Mr. Palshikar states that on behalf of the applicant, Mr. Ramesh N. Thokare, Manager (Godown) present in the Court. Ms Nachani states that Mr. Dabrai, Director of respondent is present in the Court. They admit and confirm the correctness of the consent terms.

5. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. Undertakings given by the parties are accepted. In view of the consent terms, Civil Revision Applications are allowed to be withdrawn and stand disposed of in terms of the consent terms. Rule is discharged accordingly with no order as to costs.

6. Parties to act on the authenticated copy of this order.

(R. G. KETKAR, J.)