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

**COMPANY APPLICATION NO.611 OF 2010
IN
COMPANY PETITION NO. 108 OF 2010**

Designer Fabrics (I) Pvt. Ltd.	...Applicant/Petitioner
vs	
Dhruv Apparel Pvt. Ltd.	...Respondent

.....
Mr M.J.Devan for the Applicant/Petitioner
Mr Sunil Kumar i/b M/s Kumar & Associates for the Respondent.
.....

CORAM : B. P. COLABAWALLA J.

JUNE 15, 2016

P.C. :

1 Only the Company Application is on board. By consent of the parties, the Company Petition is also taken on board.

2 Learned counsel appearing on behalf of the Respondent Company states that he has already paid substantial amounts to the Petitioner in part payment of the claim made under the present Company Petition. He further states that an amount of Rs.9 Lacs with interest, if any, has been deposited in this Court. He states that if the Petitioner is willing, it can withdraw the aforesaid sum of Rs.9 Lacs with the accrued interest, if any, in full and final settlement of

its claim and this Company Petition thereafter be dismissed.

3 Learned counsel appearing on behalf of the Petitioner, on instructions, states that his client is willing to accept the sum of Rs.9 Lacs with the interest accrued thereon, if any, in full and final settlement of the claim in this Company Petition as also the decree dated 27 February, 2015 passed in High Court Suit No.1061 of 2012 which was subsequently transferred to the Bombay City Civil Court, Bombay and renumbered as Summary Suit No. 3227 of 2012 (hereinafter referred to as the “**said suit**”).

4 In view of the aforesaid consensus the following order is passed:

- (i) The Petitioner is allowed to withdraw the sum of Rs.9 Lacs with interest accrued thereon, if any, lying with the Prothonotary and Senior Master of this Court, in full and final settlement of its claim in the present Petition. It is clarified that this is over and above the amounts that have already been paid by the Respondent Company to the Petitioner;
- (ii) On the aforesaid withdrawal the decree passed in the said suit shall be marked as fully satisfied and the

Petitioner shall have no claim against the Respondent Company;

5 In view of the aforesaid directions and considering the fact that the Company Petition is not yet advertised, nothing survives in the Company Petition and the same is dismissed as withdrawn. There shall be no order as to costs;

6 In view of dismissal of the Company Petition, nothing survives in the Company Application and the same is disposed of accordingly. The Prothonotary and Senior Master of this Court to act on the ordinary copy of this order duly authenticated by the Associate of this Court.

(B. P. COLABAWALLA J.)