

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1135 OF 2016
WITH
CIVIL APPLICATION NO.1795 OF 2017**

Bhavdeep M Pandya & Anr	...Appellants
<i>Versus</i>	
Sanghvi Writing Co Ind Ltd Thr its Director Jayant Sanghvi	...Respondent

Mr RV Sankpal, for the Appellants.
Mr Ranjeet Thorat, Senior Advocate, i/b SP Chavan, for the Respondent.

**CORAM: G.S. PATEL, J
DATED: 6th July 2017**

PC:-

1. Parties are agreed that without assigning reasons the decree of the Lower Court may be modified in the following manner:-

- (a) In full and final settlement of the original Plaintiff's claim for the principal amount of Rs.4,96,059/- and interest at the rate decreed, the Appellants-Defendants will pay to the Plaintiff-Respondent an amount of Rs.22.5 lakh.

- (b) An amount of Rs.6 lakhs has been deposited. The Plaintiff will be at liberty to withdraw this amount. The Registry will permit the withdrawal with accrued interest if any acting on an authenticated copy of this order.
- (c) The remaining amount will be paid in 18 equal monthly instalments, each instalment payable on or before 10th of each month. The Defendants are at liberty to choose the mode of payment for each month.
- (d) The first instalment will be paid on 10th September 2017.
- (e) In the event of any three defaults in payment of the monthly instalment, the entire decretal amount will be due with all interest. It is clarified that this arrangement of three defaults is also by consent of parties.

2. As a result, the decree will stand modified in terms aforesaid. Further, upon the amount of Rs.22.5 lakh being received in full, the decree will be got marked satisfied within four weeks of the payment of the last instalment.

3. The Appeal is disposed of in these terms with liberty to the parties to apply if necessary. There will be no order as to costs.

4. In view of disposal of the Appeal, the Civil Application does not survive and is disposed of accordingly.

(G. S. PATEL, J.)