

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

**SUIT (L) NO.641 OF 2017
ALONG WITH
NOTICE OF MOTION NO.2468 OF 2017
IN
SUIT NO.641 OF 2017**

M/s.Y.T. Entertainment Limited .. Plaintiff/Applicant
Vs.
DAR Film Distributors Pvt. Ltd. & Ors. .. Defendants

Mr.Rajiv Narula a/w Mr.A.Dasgupta a/w Mr.Shrey Shah i/by
M/s.Jhangiani Narulla & Associates for the plaintiff/applicant.

Dr.Birendra Saraf a/w Mr.Sunil Zalmi i/by M/s.MZD Legal Consultancy
for the defendant nos.1 to 3.

Mr.Yogesh Naidu a/w Mr.Siddharth Shenoy for the defendant no.4 (on
notice).

Mr.Rohan Cama a/w Ms.Ekta Jhaveri for the defendant nos.4 to 6.

**CORAM : R.D. DHANUKA, J.
DATE : 7th December 2017**

P.C.:

. Leave to amend is granted to the plaintiff to amend the
address of the defendant no.4 in the cause title of the plaint within one
week from today. Re-verification is dispensed with.

2. Learned counsel appearing for the plaintiff and the defendant
nos.1 to 3 have agreed the following terms.

(i) The defendant no.1 has agreed to pay to the plaintiff sum of
Rs.1,10,00,000/- (Rs.One Crore Ten Lakh only) in full and final
settlement of the claim of the plaintiff in the following
installments:-

<u>DATE</u>	<u>AMOUNT (In Rs.)</u>
12 th of December 2017	Rs.15 Lakh
15 th of January 2018	Rs.15 Lakh
15 th of February 2018	Rs.15 Lakh
15 th of March 2018	Rs.20 Lakh
15 th of April 2018	Rs.20 Lakh
15 th of May 2018	Rs.11 Lakh
15 th of July 2018	Rs.14 Lakh

- (ii) Parties have agreed for a grace period of two months for last installment in so far as the installment is concerned. The defendants undertake to honour the payment of Rs.15 lakh due and payable on 12th December 2017 and agrees to pay the balance amount on due date.
- (iii) It is also agreed that in the event of the defendant no.1 committing any default in respect of payment of any installment, the defendant no.1 will pay interest to the plaintiff on the balance amount @18% p.a. The balance amount would fall immediately upon such default.
- (iv) It is made clear that the plaintiff does not press any relief against the defendant nos.2 to 6.
- (v) Mr.Narula, learned counsel for the plaintiff undertakes to withdraw the Commercial Summary Suit (L) No.1191 of 2017 within one week from today.

- (vi) In so far as the criminal complaint bearing C.C. No.4206/SS/2016 pending before the Metropolitan Magistrate's 44th Court at Andheri, Mumbai is concerned, the plaintiff agrees to keep the said proceedings in abeyance till the defendant no.1 continues to pay all the installments as agreed aforesaid.
- (vii) It is further agreed that if the defendant no.1 commits any default in making payment of the installments as aforesaid, the plaintiff would have liberty to revive the said proceedings.
- (viii) Upon payment of the last installment to the plaintiff by the defendant no.1, the plaintiff undertakes to withdraw the criminal proceedings within one week from the date of payment of last installment.
- (ix) Parties have agreed to withdraw all the allegations against each other in view of the aforesaid terms.
- (x) Suit is decreed in aforesaid terms. In view of disposal of the suit, notice of motion does not survive and is accordingly disposed of. Refund of Court Fees, if any, as per rules.
- (xi) Drawn up decree is dispensed with.

R.D. DHANUKA, J.