

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

APPEAL NO. 577 OF 2007

IN

CONTEMPT PETITION NO.30 OF 2006

IN

SUIT NO. 642 OF 1989

...

Moiz Abdul Hussain Pardiwala

.. Appellant

versus

Krishna Murari Mathur & Ors.

.. Respondents

...

Mr.Rushil Aiya i/b Mukesh Aiya for the Appellant.

Mr.Ishwar Ahuja i/b M/s.Thakordas & Madgavkar for the Respondent No.1.

...

CORAM : A.A. SAYED &

S.C.GUPTE, JJ.

DATED : 10 SEPTEMBER 2018

P.C.:

This Appeal impugns the order dated 26 March 2007 passed by learned Single Judge of this Court in Contempt Petition, whereby the Appellant/original Defendant No.1 has been sentenced to undergo imprisonment for a period of one month for failure to deposit the amount in Court despite his Undertaking. The impugned order also directs payment of fine.

2. Learned Counsel for the parties state that the matter has been settled. They have tendered Consent Terms arrived at between the Respondent No.1/original Plaintiff and Appellant/ original Defendant No.1

dated 28 August 2018, which has been filed in S.C.Suit No.11003 of 1989.

Paragraph 6 of the Consent Terms reads as follows:

“6. In consideration of the aforesaid, the Parties have agreed that out of the sum lying with the Court Receiver, as per the order of the Hon'ble High Court, towards royalty/maintenance, the Defendant No.1 will be allowed to withdraw the same leaving behind a sum of only Rs.48,00,000.00 (Rupees Forty Eight Lakhs only) with the Court Receiver. The said sum would be given to the Plaintiff as set out herein after.”

3. Learned Counsel for Respondent No.1/original Plaintiff has tendered an Affidavit of the Respondent No.1 stating that he has no objection to the Appeal being allowed and the Appellant being discharged.

4. In the circumstances, we allow the Appeal. The impugned order is set aside. The Appellant shall stand discharged.

All concerned to act on copy of this order duly authenticated.

(S.C.GUPTE,J.)

(A.A.SAYED, J.)

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signed by
Uday
Prabhakar
Kambli
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