

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2126 OF 2016
WITH
CIVIL APPLICATION NO.2127 OF 2016
WITH
FIRST APPEAL (ST) NO.35758 OF 2015

Dilip Pratapchandji Jain	.. Applicant
Versus	
Mr. Pukhraj Premchand Jain and Ors.	.. Respondents

Mr. Ramesh Jain for applicant.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned Counsel for appellant.
2. Advocate for appellant submits that matter is settled between the parties. He has filed Minutes of Decree on admission. Same is taken on record and marked 'X' for identification. Same reads thus :-

“1. By consent of parties, Decree dated 20th August, 2015 is hereby confirmed.

2. By consent the Decree dated 20th August, 2015 is fully SATISFIED, if the Appellant pay the amount of Rs.3,71,000/- (Rupees Three Lakh Seventy One Thousand only) (Same is Rs.2,00,000/- towards Principal amount and Rs.1,71,000/- towards interest @ 6% per annum from 12th November 2003 till 13th February 2018) in favour of the Respondent and against the Appellant and further interest @ 6% per annum will be paid on reducing balance of

Rs.2,00,000/- from date of signing of this Consent Term. The amount will be paid by the Appellant/Defendant through NEFT/RTGS with the Respondents Bank Account No.1051232355, Central Bank of India, Marin Line Branch, Mumbai.

3. It is further agreed that the Appellant shall pay the said agreed amount of Rs.3,71,000/- by installments of Rs.15,000/- (Rupees Fifteen Thousand only) per month commencing from 25th day of March 2018 and succeeding installments payable on or before 25th day of every following month, the decree to be marked fully satisfied.

4. In the event of Appellant/defendant committing more than 6 (Six) default in the Settlement period (33 months Approve) in payment of installments then in that event the Respondent shall be at liberty to execute the decree for entire amount i.e. 2,00,000/- plus 18% interest from November 2003 after deducting installment amount paid as mentioned in para 2 and the Appellant/Defendant shall be bound to pay the same.

5. No order as to costs.

6. In view thereof the above First Appeal is disposed off.

7. Refund of institution fees to the Appellant as per rule granted."

3. Advocate Mr. Ramesh Jain submits that respondent No.1 Pukhraj Premchand Jain is present before this Court. He identifies him and to that effect he has made endorsement on Minutes of Order. Appellant Mr. Dilip Pratapchandji Jain and respondent No.1 Mr. Pukhraj Premchand Jain entered into witness box. Both of them admitted their signatures as well as the contents of Minutes of Order.

4. First Appeal stands disposed of in terms of Minutes of Order.
5. No order as to costs.
6. Minutes to be treated as part and parcel of decree.

(K. K. TATED, J.)