

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 452 OF 2017

IN

EXHIBIT 5

IN

SPECIAL CIVIL SUIT NO. 413 OF 2016

WITH

CIVIL APPLICATION NO. 579 OF 2017

Peninsula Land Ltd

...Appellant

Versus

Indo Global WareHousing & Services Pvt.
Ltd

...Respondent

Mr. Gaurav Shaha, a/w Ms. Disha Kundey, I/b Lodha Legal,
for the Appellant.

Mr. Kashyap Bhalerao, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 17th MAY, 2019

(Vacation Court)

PC:-

- 1.** Heard the learned Counsels for the parties.
- 2.** This appeal is preferred against an order passed below 'Exhibit 5' in Special Civil Suit No.413 of 2016 on 26th April, 2017 by the learned Jt. Civil Judge, Senior Division, Nashik, whereby the Defendant – Appellant herein came to be restrained by way of temporary injunction from creating any type of third party interest/encumbrance upon the suit property and from alienating the suit property with actual

possession during the pendency of the suit till its final disposal. During the pendency of this appeal pursuant to order by this Court dated 25th July, 2017 an amount of Rs.49,00,00,000/- (Rs. Forty-nine crores only) has been deposited by Respondent towards the balance consideration.

3. The Counsel for the Appellant submits that the parties have entered into a compromise in the suit pending before the learned Civil Judge, Senior Division, Nashik. A certified copy of the order dated 15th May, 2019 passed by the learned Jt. Civil Judge, Senior Division, Nashik, whereby the suit came to be decreed in terms of the composition deed (Exhibit 30) is placed on record. The Court further directed that the composition deed (Exhibit 30) shall form part and parcel of the decree.

4. In view of the said compromise decree, the Appellant intends to withdraw the instant appeal and seeks further direction that the amount of Rs.49,00,00,000/- (Rs. Forty-nine crores only) deposited in this Court be released in favour of the Appellant and the interest accrued on the said amount of Rs.49,00,00,000/- (Rs. Forty-nine crores only) be released in favour of the Respondent – original Plaintiff.

5. The parties have tendered Minutes of Order. The Minutes of Order are duly signed by Mrs. Supriya Rele, the

authorised signatory of the Appellant – Defendant and Mr. Gautam Hirani, the authorised signatory of the Respondent – Plaintiff, who are present before the Court, as well as the their respective Advocates. The authorised signatories admit the contents of the Minutes of Order and their signatures thereon.

6. The Minutes of Order are taken on record and marked 'X' for identification. Certified copy of Special Civil Suit No.413 of 2016 is taken on record and marked 'X1' for identification.

7. In view of the above, the appeal stands disposed of in terms of Minutes of Order 'X'.

8. In view of disposal of the appeal, the Civil Application does not survive and stands disposed of accordingly.

9. All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]