

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 297 OF 1996

Unus Mohammad and anr.

....Appellants

V/s.

Kishanpyari wd/o. Gulabchand (since decd.) :

Rajendra Gulabchand and ors.

....Respondents

Mrs. Anita A. Agarwal for the appellants.

Ms. Nupur J. Mukherjee i/b. M/s. N.N. Vaishnawa and Co. for
respondent nos.2 to 6.

Appellant no.1 is present in Court.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th OCTOBER, 2019

P.C.:-

. The appellants had challenged the judgment and Decree dated 25/09/1995 passed by the learned Judge, City Civil Court, Bombay in S.C. Suit No.1396 of 1979. By the impugned judgment, the appellants who were the defendant nos.3 and 4 in the suit were directed to pay to the respondents / plaintiffs a sum of Rs.11,539.72/- with interest @ 18% p.a. from 01/06/1978 upto the date of filing of the suit and interest @ 12% from the date of filing of the suit till realization.

2. Mrs. Anita Agarwal, the learned counsel for the appellants submits that an amount of Rs.40,000/- has been deposited before the

City Civil Court, Bombay pursuant to the order of this Court in Civil Application No.1535 of 2018 (for Stay). The learned counsel for the appellants, under instructions, states that the appellants and the respondents have entered into an amicable settlement that they have agreed that the sum of Rs.40,000/- deposited by the appellants before the Trial Court should be paid to the respondents in full and final settlement of all their claims. The learned counsel for the appellants and the respondents have placed on record Minutes of Order. They have also submitted that it is agreed between the parties that the payment should be made in the name of respondent no.2 and that the respondent no.2 shall receive the said amount with accrued interest thereon as full and final settlement of the decretal amount, on behalf of all the respondents.

3. The appellants have accepted the judgment and decree. Hence, the appeal stands disposed of.
4. The City Civil Court, Bombay is directed to pay to the respondent no.2 an amount of Rs.40,000/- with interest accrued thereon.
5. The respondent no.2 shall file an undertaking before the Trial Court that he is receiving the said amount on behalf of all the

respondents and that in the event of any further dispute inter se between the respondents, he shall pay the appropriate share to the other respondents.

6. Civil Application, if any stands disposed of in view of disposal of the appeal.

**Preeti H.
Jayani**

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Date: 2019.10.24
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(SMT. ANUJA PRABHUDESSAI, J.)