

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1160 OF 1998

Balmer Lawrie and Co. Ltd.	.. Appellant
Versus	
Chungath Anthony Devassy	.. Respondent

Mr. Mahesh Londhe, Mr. Vedant Chhajed I/b Sanjay Udeshi and Co.
for appellant.

Mr. Vijay Hinge for respondent.

Mr. Sundar Sherigar for appellant-company present in Court.

Mr. Chungath Anthony Devassy-respondent present in Court.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned Counsel for parties.
2. Both the counsel submit that matter is settled out of Court. They tendered the consent terms dated 14.03.2019 duly signed by appellant as well as respondent.
3. Both the counsel submit that on behalf of appellant Mr. Sundar Sherigar is present in Court and Mr. Chungath Anthony Devassy-respondent present in Court.
4. Both, appellant as well as respondent entered into witness box. They admitted their signatures as well as the contents of the consent terms dated 14.03.2019. Same is taken on

record and marked 'X' for identification. Same reads thus :-

CONSENT TERMS

“By consent of the parties the dispute between the parties in the above First Appeal is settled and they have agreed to record their consent in the following terms:

1. Towards full and final settlement and satisfaction of all the claims of the Respondent against the Appellant, the Appellant has agreed as follows:
 - A. The Appellant will pay a sum of Rs. 32,835/- (Rupees Thirty Two Thousand Eight Hundred and Thirty Five Only) to the Respondent within two weeks from today.
 - B. The Appellant will give a silver coin of 125 grams which is generally given to all its employees as honorarium at the time of their retirement. The said silver coin will be given within two weeks from today.
2. The Respondent has agreed to accept the said payment and the said silver coin in full and final settlement of all his claims as against the Appellant Company.
3. The sum of Rs. 59,813.00 (Rupees Fifty Nine Thousand Eight Hundred and Thirteen Rupees only) deposited by the Appellants in this Hon'ble Court at the time of admission of the Appeal will be refunded along with the accrued interest thereon to the Appellants. The Appellant would be entitled to make the necessary application for withdrawal of the said amount along with accrued interest after two weeks from today.
4. Upon payment of the amount and upon handing over silver coin as above to the Respondent, the Impugned Order and Decree dated 26th June, 1998 passed by the Hon'ble City Civil Court, at Bombay in S.C. Suit No. 1925 of 1997 is automatically quashed and set-aside and all the allegations, contentions made by the Respondent against the Appellants stand withdrawn.
5. The First Appeal stands disposed off in terms of these consent terms with no order as to costs.
6. Refund of court fees as per rules.”

5. First Appeal stands disposed of in terms of consent terms.
6. Consent terms to be treated as part and parcel of decree.
7. No order as to costs.

(K. K. TATED, J.)