

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

APPEAL FROM ORDER NO. 899 OF 2019

Dr.Manohar Karad & Anr.	...	Appellants
V/s.		
M/s. Sankalp Speciality Healthcare Private Limited	...	Respondent

Mr.Prasad Dani a/w. Mr.Mahendra Agavekar, Ms.Shraddha Chavan i/b.
Mr.Sachin Gorwadkar for Appellants.
Mr.Mayur Khandeparkar i/b. Mr.Rahul Motkari for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 2nd December 2019.

PC. :

1] Mr.Khandeparkar, learned counsel appearing for the respondent, on instructions, submitted that, the appellants herein have filed Special Civil Suit No.78 of 2017 for recovery of compensation amount, agreed in pursuance of Memorandum of Understanding dated 21st December 2012.

2] By the impugned Order dated 19th October 2016, the Trial Court has rejected an application below Exhibit-59 filed by the appellants, in Special Civil Suit No.409 of 2014, filed by the respondent for specific performance of the said Memorandum of Understanding dated 21st December 2012.

3] The Trial Court has rejected the said application on the ground that, in a suit filed by the respondent, the appellants herein being defendants, cannot claim the said relief without filing counter claim and payment of requisite Court fees in that behalf.

4] It is to be noted here that, the appellants cannot approach various forums for same relief and more particularly monetary claim in furtherance of Memorandum of Understanding dated 21st December 2012.

5] In view thereof, I find no substance in the present Appeal.
Appeal is accordingly dismissed in *limine*.

[A.S. GADKARI, J.]