

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 462 OF 2019
WITH
CIVIL APPLICATION NO. 528 OF 2019

M/s. Pink Enterprises	.. Appellant
Vs.	
M/s.Ambika Dyeing & Printing Works	.. Respondent

Mr.F.Khan I/b Mr.Sathyanarayanan, for the Appellant.
Mr.A.N.Khatri I/b Khatri Legal Venture, for the Respondent.

CORAM : M.S.KARNIK, J.

DATE : 16th JULY, 2019

P.C. :

. After arguing the matter for some time on the last occasion, learned Counsel for the parties on instructions of the respective clients, who were present in the Court, suggested that there is every possibility of settlement and accordingly sought time to negotiate the settlement. Today the following arrangement is agreed by the parties.

1. The appellant - original defendant shall pay a sum of Rs.3,75,000/- to the respondent - original plaintiff as and

by way of full and final settlement of the respondent - plaintiff's claim. Accordingly, the appellant is agreeable for the respondent - original plaintiff to withdraw the sum of Rs.2,00,000/- which has been deposited in this Court pursuant to the order dated 07/06/2019 passed by this Court. The respondent is permitted to withdraw the amount of Rs.2,00,000/- which has been deposited in this Court pursuant to the order dated 07/06/2019.

2. Insofar as the balance amount of Rs.1,75,000/- is concerned, the appellant undertakes to pay a sum of Rs.1,00,000/- to the respondent -plaintiff within a period of 3 weeks from today.

3. Insofar as balance amount of Rs.75,000/- is concerned, the appellant undertakes to pay to the respondent – plaintiff a sum of Rs.75,000/- within a period of 8 weeks from today.

2. Learned Counsel for the appellant states that the appellant would file an undertaking to the above effect that the appellant would be paying balance amount of Rs.1,75,000/- in the manner described above.

3. The undertaking would be filed during the course of the day. Learned Counsel for the respondent states on instructions of his client - Mr.Shantibhai Kothari that the respondent is agreeable to this arrangement and this would be a full and final settlement of the claim and that he would have no further claims against the appellant upon receipt of this amount. In the event, the appellant fails to pay the amount, the respondent - plaintiff would be free to execute the decree.

4. When the matter is called out at 2.00 p.m., learned Counsel for the appellant tendered an undertaking to the above effect. The same is taken on record and marked 'X-1'.

5. Appeal from Order is disposed of in the above terms. In view of disposal of the Appeal from Order, Civil Application does not survive and the same shall stand disposed of accordingly.

(M.S.KARNIK, J.)