

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM SUMMARY SUIT NO. 303 OF 2017**

Thinkink Print Solutions LLP	...Plaintiff
<i>Versus</i>	
Inspiraton Publication (India)	...Defendant

Ms Preeti Gada, *with Mr Arshil Shah, i/b Sudhir Shah & Associates, for the Plaintiff.*

Mr Karl Tamboly, *with Mr Malcolm Siganporia, Mr Rahul Hingmire & Mr Rachit Lakhmari, i/b VIS Legis Law Practice, for the Defendant.*

Mr Dinkar Khanuja, *Sole proprietor of the Defendant, present.*

**CORAM: G.S. PATEL, J
DATED: 16th April 2019**

PC:-

1. The suit is settled by consent of the parties. The sole proprietor of the Defendant is present. Under the order made on 22nd March 2018 by SC Gupte J, the Defendant was to deposit Rs. 95 lakhs in eight weeks. Ultimately, the Appeal Court extended time for deposit till 20th August 2018. The Defendant did make that amount and it was invested.

2. The principal amount in the claim is Rs. 1.20 crores. The rest is interest. At that time of the Summons for Judgment, SC Gupte J found no merit in the defence so far as Rs. 95 lakhs was concerned and said so in as many words.

3. Having regard to these circumstances, parties are now agreed that the *Plaintiff* will be entitled to withdraw the entire amount of Rs. 95 lakhs with all accrued interest. The registry will issue that refund of Rs. 95 lakhs and accrued interest on production of an authenticated copy of this order.

4. In addition, the Defendant agrees to pay a further amount of Rs. 10 lakhs in two instalments. The first, of Rs. 5 lakhs, is to be paid within two weeks which takes us to 30th April 2019. The remaining Rs. 5 lakhs is to be paid by 31st May 2019. This will be in full and final satisfaction of the claim in Suit.

5. Having regard to these circumstances, by consent, the order of 8th April 2019 is recalled and set aside.

6. The Suit is disposed of in these terms.

7. In the facts and circumstances of the case, there will be no order as to costs.

8. Refund of Court fees, if any, in accordance with the Rules. The date of the repayment claim will be today's date for the purposes of Section 43 of the Maharashtra Court Fees Act. The

Registry will issue the refund certificate within four weeks, acting on an authenticated copy of this order.

(G. S. PATEL, J)

Note: This order is modified by an order dated 22nd April 2019 passed on a praecipe for speaking to the minutes. Correction is shown in bold and italics.