

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 253 OF 2018

IN

COMPANY PETITION NO. 366 OF 2016

WITH

NOTICE OF MOTION NO. 558 OF 2018

Uday Structural & Engineers Pvt. Ltd. ...Appellant

Versus

Carico Handelsgesellschaft m.b.h. ...Respondent

Ms. Shruti Tulpule, for the Appellant.

Director of the Appellant present.

Ms. Komal Joshi, a/w Ms. Aditi Bajaj, Ms. Tulsi Bhatia, I/b
ALMT Legal, for the Respondent.

**CORAM: R. M. BORDE &
N. J. JAMADAR, JJ**

DATED: 14th March, 2019

PC:-

1. Instant Appeal is lodged taking exception to the order passed by the learned Single Judge of this Court on 9th April, 2018, in Company Petition No.366 of 2016. The learned Single Judge has directed in paragraph 14 of the order thus:

“14. Notwithstanding the above, I would still give a chance to the company to get out of the situation by depositing an amount in Indian rupees equivalent to Euro 64,171.50 with the Prothonotary and Senior Master, High Court, Bombay within four weeks from today. If the amount is deposited, then the petition will stand dismissed without further reference to this Court. If the amount is not deposited, then the two weeks period to advertise, etc. will commence on the expiry of the four weeks period.”

2. It is pointed out that the amount in terms of the directions issued by this Court Rs.49,65,590.67 ps. Indian

Rupees equivalent to Euro 64,171.50 has been deposited on 7th May, 2018 with Prothonotary and Senior Master, Original Side, Bombay High Court, without prejudice to the rights of the Appellant to prosecute the appeal.

3. During the continuation of appeal, the parties have reached amicable settlement and the Consent Terms are placed on record. The Consent Terms are signed by the Director of the Appellant, who is present before this Court, and the Respondent, who accept the correctness of the terms and statements made therein. The Consent Terms are duly signed by the Counsels appearing for the respective parties, who identify the signatories to the Consent Terms. The Consent Terms are read, recorded and accepted. The Consent Terms are taken on record and marked 'X' for identification.

4. The appeal presented before this Court shall stand disposed of in accordance with the Consent Terms, marked 'X' for identification, which shall form part of the decree.

5. The Registry to act in furtherance of the Consent Terms, marked 'X', as regards the disbursement of the amount.

6. In view of disposal of the Appeal, Company Petition No. 366 of 2016 and Notice of Motion No.558 of 2018 do not survive and is disposed of accordingly.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]