

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.45 OF 2019
IN
SUIT NO.3 OF 2019**

Makrand Suresh Narwekar

..Plaintiff

Vs.

Allen Velegaleti Franklin

..Defendant

Mr. Pradeep Thorat I/b Jay Kishore Bhatia for Plaintiff / Applicant
Mr. Alten V Franklin Defendant appeared in person

**CORAM : K.R.SHRIRAM, J.
DATE : 12th MARCH, 2019**

P.C.:

1 Mr. Thorat states that on the suggestion of the court parties tried to amicably resolved the matter, but it does not seem to make any headway. Mr. Thorat, without prejudice to plaintiff's rights and contentions, states that if defendant is willing to return Rs.26,00,000/- advance that was paid, plaintiff is willing to terminate the agreement and withdraw the suit.

2 Mr. Franklin-defendant, states that he is ready to repay the amount of Rs.26,00,000/- with 6.75% interest p.a. to plaintiff within 90 days or if possible earlier.

3 In the circumstances, following order is passed:

(a) Defendant to return the sum of Rs.26,00,000/- together with

interest thereof @ 6.75% p.a. from today and this interest will be payable up to the date of payment, subject to an outer limit of 90 days from today.

(b) Upon making of this payment within 90 days period, the agreement will stand terminated and plaintiff will, on the Monday following the receipt of Rs.26,00,000/- plus interest, with notice to defendant, apply to this court for withdrawal of the suit.

(c) if the amount is not paid within 90 days, Court Receiver of this court will get appointed as the receiver without further reference to this court with all powers under the Code of Civil Procedure including to take possession forthwith

(d) Until the amount is paid, ad-interim order passed earlier will continue.

4 Notice of motion accordingly disposed. Liberty to apply.

(K.R. SHRIRAM, J.)