

IA No.GA 3 of 2021  
in  
CS 4 of 2019

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

SHREE HANUMAN JUTE MILLS (P) LTD.  
Versus  
M/S. MAKPOWER ENGINEERS & ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 11<sup>th</sup> March, 2021.

*Appearance:*

*Mr. Sankarsan Sarkar, Adv.*  
*Mr. Dipayan Choudhury, Adv.*  
*Mr. Suvradal Chaudhury, Adv.*  
*Mr. Souma Bhattacharya, Adv.*  
*...for the plaintiff.*

*Mr. N.K. Rakshit, Adv.*  
*Mr. B.P. Singh, Adv.*  
*...for the respondents.*

The Court : This order is being passed on the understanding as given by learned counsel appearing for the parties that I have not appeared in the suit or any connected application thereto.

Learned counsel for the plaintiff submits that the plaintiff and the three defendants had entered into a Terms of Settlement dated 22<sup>nd</sup> February, 2021 by which the defendant nos.2 and 3, who are partners of the defendant no.1, have agreed to pay Rs.15 lakhs to the plaintiff in full and final settlement of the money decree claimed in the suit. This appears in Clause 4(A) of the Terms. Clause 4(L) of the Terms further provides that the Terms of Settlement will be filed in the instant suit being CS No.4 of 2019 and the parties unequivocally accepted the Terms. The Clause provides that the plaintiff will withdraw TS No.33 of 2020 filed before the Civil Judge, 2<sup>nd</sup> Court at Howrah on getting vacant possession of the warehouse no.10.

Although only the defendant no.3 is represented in Court today. The defendant nos.1 and 2 have signed the Terms of Settlement.

In view of the parties to the suit amicably settling their disputes, let the suit be decreed in terms of the Terms of Settlement dated 22<sup>nd</sup> February, 2021, which is kept on record.

CS No.4 of 2019 is accordingly decreed in terms of the above. Interim order, if any, shall stand vacated.

GA No.3 of 2021 which is for decreeing the suit in terms of the Terms of Settlement is also disposed of in view of the above.

The decree may be drawn up expeditiously.

(MOUSHUMI BHATTACHARYA, J.)