

ORDER SHEET

IA No. GA/7/2021

In

CS/299/2012

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

SARAF PROJECTS PVT. LTD.

-VS-

RAWALWASIA TUBES PVT. LTD. & ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : September 29, 2021.

[Via video conference]

Appearance:

Mr. Deepak Jain, Adv.

Mr. Zareen Nasema Khan, Adv.

Md. Salahuddin, Adv.

Mr. S. Hussain, Adv.

Ms. A. Rao, Adv.

Mr. K. Bhattacharya, Adv.

The Court : Learned counsel appearing for the parties i.e. the plaintiff and the defendant nos.1 to 5 submit that the parties have settled their differences in the form of Terms of Settlement dated 24th August, 2021.

Upon perusing the Terms, it appears that the basis for filing the suit i.e. CS 299 of 2012 has been mentioned and the fact that during pendency of the suit, the parties have jointly and mutually agreed that the said suit be decreed on the following Terms. The Terms are set out in clause (d) of which sub-clause (iv) records that the parties declared that upon payment being received by the plaintiff from the added defendants, the plaintiff or its nominee/nominees shall

have no further right, title or interest in respect of the suit property located at Rafi Ahmed Kidwai Road, Kolkata.

It is submitted by learned counsel appearing for the defendant nos.2 to 5 that the said defendants have paid an amount of Rs.1.45 crores to the plaintiff in pursuance of the Terms of Settlement.

Since it is clear from the said Terms that parties have agreed that the suit should be decreed in accordance with the Terms and upon finding the Terms to be in accordance with law, this Court is of the view that CS 299 of 2012 may be decreed in accordance with the Terms of Settlement dated 24th August, 2021.

The original Terms of Settlement, as signed by the parties, is kept on record.

All interim orders passed in the suit as well in the connected interlocutory applications shall be vacated.

All connected applications are also disposed of in terms of this order.

CS 299 of 2012 is decreed in terms of this order.

(MOUSHUMI BHATTACHARYA, J.)