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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3920 OF 2019

AMO COMMUNICATIONS PVT. LTD

....PETITIONER

V/s.

FILAMENT PRODUCTIONS (INDIA PVT. LTD.)

.....RESPONDENT

**Khooshnum R. Daviervale & Yazdi P. Jijina i/b Mulla & Mulla for the
Petitioner**

Mr. H., T. Pawar for Respondent

CORAM : NITIN W. SAMBRE, J.

DATE: AUGUST 4, 2021.

P.C.:

1] In a summary suit for recovery of an amount, order passed under Order 37 Rule 3 (5) of Code of Civil Procedure, 1908 granting conditional leave to defend is subject matter of challenge in this petition.

2] Pursuant to a condition imposed, I am informed that petitioner has already deposited an amount of Rs. 15,00,000/- in compliance of

the order passed in this petition in the pending Suit.

3] Parties to the petition have decided to settle the matter and accordingly, against the claim of Rs. 47,80,236/-, petitioner has handed over a demand draft for an amount of Rs. 38,00,000/- as is reflected in para 3 of the consent terms which are tendered on record. Consent terms dated 04/08/2021 are taken on record and marked 'X' for identification.

4] Counsel for the respondent acknowledges the receipt of said demand draft.

5] In the aforesaid background, a joint request is made by the parties to the petition that the petitioner be disposed of in terms of consent terms.

6] Counsel for the Respondent assures that complaint case initiated by respondent-plaintiff will be withdrawn within a period of

fortnight from the date of passing of this order which statement is accepted as an undertaking in view of amount received.

7] Needless to clarify that the petitioner will be entitled to withdraw an amount of Rs. 15,00,000/- deposited in the pending suit pursuant to order passed by this Court.

8] As a consequences of above, Civil Suit so also criminal proceedings referred to in the consent terms shall stand disposed of as has been agreed to in the consent terms.

9] As a consequences of above, petition also stands disposed of. In case if the respondent moves before learned Magistrate for withdrawal of the complaint case, learned Magistrate is requested to decide the same then and there only in view of aforesaid order and the consent terms.

[NITIN W. SAMBRE, J.]