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SECOND APPEAL NO. 316 OF 2020

Anand Engineering Works & Anr. ..Appellants
V/s.

M/s. S.V. Enterprises & Anr. ..Respondents

Mr. Prathmesh Bhargude a/w Sumit Sanare for the Appellants.

Mr. Veerdhaval Kakade for the Respondent No.1.

CORAM : C.V BHADANG, J.

DATE : 11th MARCH, 2021

P.C.

1. The parties have today produced the Consent Terms along with a Deed of Settlement executed before the notary.
2. The appellant is the original defendant. A suit filed by the respondent No.1 for recovery of an amount of Rs.8,46,971/- was decreed against the appellant. The appellant sought to challenge the same before first Appellate Court in which there was a delay. The first Appellate Court by the impugned order has refused to condone the delay. Hence, this Second Appeal.

3. Now the Consent Terms envisage that the appellant shall pay an amount of Rs.11,50,000/- to the respondent in full and final satisfaction of the decree.
4. The learned counsel for the appellant submits that the amount has already been paid, which is acknowledged by the learned counsel for the respondents. The appellant had deposited an amount of Rs.5,00,000/- in the District Court, which is to be withdrawn by the appellant along with interest, if any.
5. The proprietor of respondent No.1 is personally present before the court and he admits the correctness of the contents of the Consent Terms.
6. In such circumstances, the Second Appeal is disposed of, in view of the Consent Terms marked "X" for identification.
7. Needless to mention that the appellant shall be entitled to withdraw the amount of Rs.5 lakhs deposited before the District Court along with interest, if any.
8. In the circumstances, there shall be no order as to costs.
9. A decree be drawn accordingly.

C.V. BHADANG, J.