

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

LETTERS PATENT APPEAL NO. 68 OF 2007

IN

WRIT PETITION NO. 4312 OF 2006 (D)

Pukhraj Mohanlal Vyas and Ors.,

..VS..

Sanmitra Nagri Sahakari Pat Sanstha Ltd., having its office at Amravati through its President
and Anr.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Anup J. Gilda, Advocate for the appellants.

Shri Manish Shukla, Advocate h/f Shri S. P. Bhandarkar, Advocate
for the respondent No.1.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 12.03.2021

Shri Anup Gilda, learned counsel for the appellants and Shri Manish Shukla, Advocate h/f Shri S. P. Bhandarkar, Advocate for the respondent No.1 are present. They have tendered to the Court a joint pursis Stamp No. 12 of 2021, signed by the appellants and respondent No.1, marked 'A' for identification, informing the Court that the dispute between the parties has been amicably settled by them out of Court. Joint pursis contains the terms of the settlement arrived at by the parties. Both of them submit that the settlement has

taken place voluntarily and the terms of the settlement have been accepted by the parties. They also submit that the amount of final settlement has been agreed to by the parties and this amount is received by the respondent No.1.

2. Considering the statement made in the pursis and the submission made across the bar jointly, we accept the settlement voluntarily arrived at between the parties out of Court. We, therefore, dispose of this L.P.A. in terms of the settlement arrived at between the parties and reflected in the joint pursis 'A' dated 12.03.2021. The Writ Petition before the learned Single Judge and the proceedings under Section 101 of the Maharashtra State Co-operative Act shall be deemed to have merged in this order.

3. The respondent No.1 will be entitled to withdraw Rs.30,00,000/- (Rs. Thirty Lakhs only) deposited in this Court, together with accrued interest, if any.

4. The appellants are permitted to withdraw the amount of Rs.1,00,000/- (Rs. One Lakh only) deposited in this Court on 22.05.2007 through appellant No.3

Kailash Pukhraj Vyas, if the appellant Nos.1 and 2 authorise him to withdraw this amount and give the discharge on their behalf along with accrued interest, if any.

Decree be drawn up accordingly.

CIVIL APPLICATION (Z) NO. 23 OF 2016, CIVIL APPLICATION (Z) NO. 26 OF 2016 AND CIVIL APPLICATION (Z) NO. 29 OF 2017.

In view of disposal of L.P.A. No.68 of 2007, all these pending applications are disposed of.

JUDGE

JUDGE