

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) NO.658/2021
IN
SECOND APPEAL NO.612/2018

Smt. Reema w/o Kamlesh Nagpal and another
Vs.

Shraddha Industries Private Limited and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Mayank M. Agnihotri, Advocate for appellants.
Shri A.A. Naik, Advocate for respondents.

CORAM : S.M. MODAK, J.
DATE : OCTOBER 12, 2021.

Heard both the sides.

2. Both the parties have settled the dispute outside the Court. The appellants do not want to prosecute the appeal any more. The appellants are the original plaintiffs/the purchasers. Their suit for specific performance was decreed. The appellants-plaintiffs were directed to deposit Rs.11,00,000/- towards balance consideration. The appellants have deposited that amount before the Trial Court.

3. In an appeal filed by present respondents/defendants, the judgment of the Trial Court is set aside and suit came to be dismissed. Still appellants claim that they have not withdrawn that amount. Now they do not want to prosecute the appeal any more. The respondents/defendants have also consented for withdrawal of the appeal and for withdrawal of the amount by filing a

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pursis dated 02/09/2021 attached to the application. In view of that the following order is passed.

ORDER

- i) The appeal stands disposed of as withdrawn.
 - ii) The Civil Judge, Senior Division, Nagpur is directed to refund an amount of Rs.11,00,000/- along with the interest accrued thereon by transferring that amount to the Bank account of appellant no.1- Smt Reema w/o Kamlesh Nagpal on furnishing bank details and the consent letter of appellant no.2.
 - iii) This order of payment is based on the assumption that the amount sent is already withdrawn.
4. Civil Application is disposed of and Second Appeal is disposed of.

JUDGE

R.S. Sahare