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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.249 OF 2021**

Mr. Gaurav Shivajirao Patil and Ors. ... Applicants
Vs.
Mr. Shivam Balkrishna Sanvatsarkar and Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.812 OF 2022**

Maharashtra State Farming Corporation Ltd. ... Applicant
In the matter between
Mr. Gaurav Shivajirao Patil and Ors. ... Applicants
Vs.
Mr. Shivam Balkrishna Sanvatsarkar and Ors. ... Respondents

Mr. Dr. Uday P. Warunjikar, Advocate for Applicants in CRA.
Mr. Makarand Kale i/by Ramakant D. Patil, Advocate for the Respondents.
Ms. Kanchan C. Phatak i/by Mr. Nitin P. Deshpande, Advocate for Applicant in IA.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 25, 2022

P.C.:-

1] Heard Dr. Uday Warunjikar, learned Counsel appearing on behalf of the Applicants.

2] Perused the order impugned in the backdrop of the rival

submissions.

3] It appears that claim put-forth by the Applicants/Defendants of transfer of the amount towards settlement is formed to be the basis in support of prayer for disposal of the suit. Payment of said amount and subsequent return of the same to the Applicants gives rise to disputed question of fact which cannot be appreciated at this stage so as to form an opinion that Respondents/Plaintiffs were intending to settle the matter or had settled the dispute *inter se*.

4] In the aforesaid backdrop, keeping the option open to the Applicants/Defendants under Order 18 of CPC to lead evidence in support of such prayer, I hardly see any reason to interfere with the order impugned. Civil Revision Application stands rejected. However, rejection of Revision shall not come in the way of the Applicants/Defendants to lead evidence in support of plea of establishing the case of settlement. In view of dismissal of Revision, Interim Application taken out therein for impleadment of the Applicant is also disposed of. However, Applicant in IA is at liberty to move the Court below for its impleadment..

5] Though opposed, interim protection ordered by this Court is extended by three weeks.

6] Civil Revision Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)