

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL APPELLATE DIVISION
COMMERCIAL FIRST APPEAL NO. 52 OF 2022
IN
SUMMONS FOR JUDGMENT NO. 169 OF 2019
IN
COMMERCIAL SUIT NO. 697 OF 2021
WITH
INTERIM APPLICATION NO. 363 OF 2022
IN
SUMMONS FOR JUDGMENT NO. 169 OF 2019
IN
COMMERCIAL SUIT NO. 697 OF 2021**

Better Casting (A Partnership Firm) & Ors ...Appellants
Versus
Narayansingh Jogsingh Solanki Proprietor of ...Respondent
Prayas Steel and Alloys

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Date: 2022.10.19
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Mr Om Prakash Singh, for the Appellant.
Mr DR Dhiwar, for the Respondent.

**CORAM G.S. Patel &
Gauri Godse, JJ.**
DATED: 17th October 2022

PC:-

1. The parties have settled their disputes. Consent Terms are tendered in the First Appeal. The Consent Terms are taken on record and marked “X1” for identification with today’s date. These are signed by the Constituted Attorney of the Appellant and by the Respondent. Both signatories are present in Court. They are also signed by the Advocates for the parties.
2. We are satisfied that the Consent Terms are in order, not contrary to law and have been drawn by the parties of their own volition in reflection of their true intentions.
3. The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.
4. The Appeal is disposed of with an order in terms of the Consent Terms.
5. A soft copy of the Consent Terms will be uploaded as the second order in the matter.
6. The Demand Draft referred to in Clause (ii) of the Consent Terms have been handed over to the Defendants.
7. Counsel before us agree that Clause (4) of the Consent Terms which seeks that the decree dated 16th September 2021 be set aside is erroneously worded. The decree stands, but it will be marked fully satisfied in accordance with the Consent Terms.

8. The Registry is to ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

9. Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Registrar (Judicial) will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

10. The vakalatnama of Mr Dhiwar for the Respondent is to be filed within a week.

(Gauri Godse, J)

(G. S. Patel, J)