

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL SUIT NO. 1157 OF 2018

**WITH
NOTICE OF MOTION NO. 2350 OF 2018
IN
COMMERCIAL SUIT NO. 1157 OF 2018**

K.P. Packaging Ltd. Plaintiff

Versus

Shankeshwar Industries & Ors. ... Defendants

Mr. Prajot H. Jaggi for the Plaintiff.

Mr. Hamza Lakhani i/b India Law Alliance for Defendant Nos.1 to 7.

CORAM : R.I. CHAGLA, J.

DATED : 21st FEBRUARY, 2022.

ORDER :

1 Parties have arrived at a settlement. Copy of the consent terms are tendered. The original was tendered and taken on record in Criminal proceeding bearing Criminal Application No.148 of 2016 vide order of the Division Bench dated 27.10.2021. By the said order the Division Bench had kept the matter for compliance in view of payment/ realization of cheque amount by the Defendants to the Plaintiff. In view

of the payment having been realized, by subsequent order dated 17.11.2021, it was recorded that the order of this Court dated 27.10.2021 has been complied with and compliance affidavit is filed. No further orders were required.

2 It is mentioned in the consent terms at clause 9 that it was agreed, recorded and declared that Respondent No.2 shall withdraw the Commercial Suit No.1157 of 2018 filed and pending before this Court against the Defendants to the Suit, upon the Plaintiff receiving full and final payment.

3 In view of what has been recorded in the order dated 27.10.2021 read with the order dated 17.11.2021 in Criminal Application No.148 of 2016, the Plaintiff has received full and final payment.

4 In view thereof, the learned Counsel appearing for the Plaintiff, on instructions, seeks leave to withdraw the Commercial Suit No.1157 of 2018 as the matter having been settled.

5 The Commercial Suit No.1157 of 2018 is disposed of as withdrawn.

6 Notice of Motion No.2350 of 2018 does not survive in view of the disposal of the Suit, and is accordingly disposed of.

7 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 Prothonotary & Senior Master 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.

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.02.22
11:00:57
+0530

(R.I. CHAGLA, J.)