



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
SECOND APPEAL NO. 10/2019

Deshnatti Marathi Daily thr. Its Chief Editor .vs. Professor Dr. Pramod Govindrao
Yeole and another.

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

Court's or Judge's orders

Mr. G. Sawal, Advocate for appellant.
Mr. R. G. Kavimandan, Advocate for respondent no.1.
Mr. R. D. Bhuibhar, Advocate for respondent no. 2.

CORAM : ANIL L. PANSARE, J.

DATE : 23.06.2023

Mr. Kavimandan, Advocate appears for
respondent no.1 and submits that he will file Vakalatnama
during the course of the day.

**Civil Application No.809/2019 with Second Appeal
No.10/2019**

1. By the present application, the parties to the litigation are seeking to compromise the dispute and to dispose of the appeal in terms of the compromise.
2. Respondent no.1 had filed a suit for defamation and damages against the appellants bearing Special Civil Suit No. 85/2003. The suit was decreed and compensation amounting to Rs.50,00,000/- was granted. The verdict of the trial Court was challenged before the first appellate Court in Regular Civil Appeal No.255/2015. The amount of compensation was reduced by the appellate Court to Rs.25,00,000/-. The appellants have challenged the said judgment before this Court.

3. The parties have now amicably settled the dispute in the terms reflected in paragraph 4 of the application, which reads thus:

“4. That the parties have settled their dispute by mutual discussions. The present application is therefore filed for recording the compromise and for disposing off the present second appeal. The compromise is arrived at by the appellants and the respondents in the following terms:-

(a) That the respondent no.1 has received an amount of Rs.70,00,000/- (Rs. Seventy Lack only) from the appellants by two demand draft dated 18.04.2023 vide D.D. No.649189 of Rs.30,00,000/- (Rs. Thirty Lacks) and dated 18.04.2023 vide D.D.No.649190 of Rs.40,00,000/- (Rs. Forty Lacks) towards the full and final settlement of the claims of the respondents. The respondents shall not claims anything from the appellants in future towards the subject matter of the present second appeal.

(a.1) The decree passed in S.C.S. No.85/2023 be substituted by the present compromise decree. The findings given against appellants be treated as withdrawn.

(b) That there shall be no claim whatsoever against each other between the appellants and the respondents in future with respect to the subject matter of the present second appeal.

(c) That the appellants have agreed to publish an apology in their newspaper as per the draft to be supplied by the respondent no.1. The said apology shall be published by the appellants within a period of 4 days after the receipt of the draft.

(d) That the appellants have deposited an amount of Rs.25,00,000/- in the Registry of this Hon'ble Court and the said amount has been kept in fixed deposit.

(e) It is agreed between the parties that the said amount of Rs.25,00,000/- with interest accrued thereon shall be refunded to the appellants and the respondents shall not have any claim over the amount.

(f) The present second appeal may be disposed off as withdrawn with no order as to costs.”

4. The application has been signed by the learned counsel representing the parties and it has been affirmed by the parties themselves.

5. I have interacted with the parties who are present before the Court. They have stated that the application has been drafted by their counsel as per their instructions. They have amicably settled the dispute, as reflected in paragraph 4 of the application.

6. I am convinced that the parties have settled the dispute in terms of the application. The second appeal is, therefore, disposed of in terms of the compromise referred to above.

7. Decree be drawn up accordingly.

8. At this stage, learned counsel for the appellants submits that the appellants have deposited Rs.25,00,000/- with the Registry. The appellants are permitted to withdraw the amount of Rs.25,00,000/- deposited in First Appeal No.870/2011 vide CCD No.1353, dated 13-9-2012 along with the interest accrued thereupon, if any.

9. The Court fees be refunded in accordance with the rules.

(Anil L. Pansare, J.)