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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4288 OF 2024

M/s. Agarwal Enterprises, through its Proprietor Petitioners
Anil Agarwal and Anr. .. (Orig. Defendants)

Versus

M/s. G.B. Tools and Forging Ltd. Respondent
.. (Orig. Plaintiff)

-
- Ms. Firdaus Moosa i/by Mr. Prakash Mahadik, Advocate for Petitioners.
 - Mr. Gautam J. Jain, Advocate for Respondent.
 - Mr. Arvinder Singh, Authorized Representative for G.B. Tolls and Forging Ltd. present.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 09, 2024.

P.C.:

- 1.** Not on Board. Mentioned. Taken on production Board.
- 2.** Heard Ms. Moosa, learned Advocate for Petitioners and Mr. Jain, learned Advocate for Respondent.
- 3.** Today, learned Advocates have filed Minutes of Order dated 09.05.2024 which are taken on record and marked “X” for identification. Parties have reconciled their disputes and differences and filed Minutes of Order. Minutes of Order are executed by the parties as well as Advocates whose signatures are appended at page No.3 of the Minutes of Order and they confirm the same.

4. Minutes of Order are running into 3 pages. The said Minutes of Order are scanned and reproduced below for convenience:-

Tendered in Court
by
9/5/2024
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+ "provision" 09/5/2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION No. 4288 of 2024

M/s Agarwal Enterprises & Anr.Petitioners
V/s.
M/s. G. B. Tools & Forging Ltd. Respondent
Ms. Firdaus Moosa i/by Mr. Prakash Mahadik for Petitioners
Mr. Gautam J. Jain for the Respondent
Mr. Anil Krishanchand Agarwal the Petitioner No. 2
Mr. Arvinder Singh Son of Late Bhajan Singh the authorized
Representative of the Respondent

Coram : MILIND N. JADHAV, J.

Date : 9th May 2024

MINUTES OF ORDER

1. Mentioned. Not On Board. Taken on Board.
2. Rule. By Consent of the Parties, Rule made returnable forthwith.
3. The Petition takes exception of order dated 16.12.2023 passed by the Ld. City Civil Court, Mumbai in Execution Application No. 114 of 2021.
4. The Captioned petition came up for hearing on 03/04/2024 and it was impressed upon both the learned Advocates to consider an amicable resolution by arriving at some amount convenient to both sides after effecting and effective compromise, without prejudice to the rights and contentions of the Parties.

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5. Today it's been Informed that the parties have arrived at Amicable settlement the terms of which are as follows-

a. The Parties have settled the dispute for total consideration of Rs. 13,82,782/- (Rupees Thirteen Lakhs Eighty two Thousand Seven Hundred and Eighty Two Only).

b. The Petitioners have issued Five post dated Cheques in the Name of GB TOOLS AND FORGING LTD (DECREE HOLDER) viz;

i) cheque no. 000026 dated 22.5.2024 of amount of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) drawn on HDFC Bank.

ii) cheque no. 000027 dated 31.7.2024 of amount of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand Only)

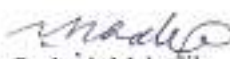
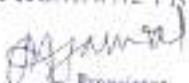
iii) cheque no. 000028 dated 30.9.2024 of amount of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand Only)

iv) cheque no. 000029 dated 30.11.2024 of amount of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand Only)

v) cheque no. 000030 dated 31.12.2024 of amount of Rs. 3,82,782/- (Rupees Three Lakhs Eighty two Thousand Seven Hundred Eighty Two Only)

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6. Agreed that the decree holder will have no claims in the name of the Petitioners viz; M/s. Agarwal Enterprises & Mr. Anil Krishanchand Agarwal in respect of decree passed by the Civil Suit No. 367 of 2013 by Ld. Civil judge Junior Division, Jalandhar and also in the Execution Application No. 114 of 2021 before the Ld. City Civil Court, Mumbai.
 7. The Parties have decided that the Respondent shall withdraw the Execution Application No. 114 of 2021 before the Ld. City Civil Court, Mumbai. On 16/07/2024 as it is the adjourned date of the matter.
 8. List the present Petition on 6th January 2025, for reporting Compliance.

Dated 9th May 2024


 Mr. Prakash Mahadik
 Adv. for Petitioners
 For AGARWAL ENTERPRISES

 Proprietor
 Mr. Anil Krishanchand Agarwal
 For and on behalf of
 Petitioner No. 1 and 2


 Mr. Gautam Jasraj Jain
 Adv. For Respondent
 For GB TOOLS & FORGINGS LTD

 Auth. Signatory
 Mr. Arvinder Singh
 Respondent's Authorised
 Representative

5. Rights and obligations as stated in the said Minutes of Order are taken as undertaking given to this Court by all concerned parties who shall be obligated with the same.

6. The appearance of the representative of the Respondent who is Decree Holder before the learned City Civil Court in Execution Application No.114 of 2021 shall expressly stand dispensed with and proceedings will be conducted by the Advocate on record of the Respondent – Decree Holder.
7. Writ Petition is disposed of in terms of Minutes of Order.
8. Liberty to apply in case of difficulty.
9. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Ajay

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Digitally signed by
AJAY TRAMBAK
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Date: 2024.05.09
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