

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

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 7956 OF 2024

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ANANDRAO
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Date: 2024.07.09
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Intec Capital Limited Thr. Its Authorized Representative Vijay C. Gupta	...Petitioner
Versus	
The State Of Maharashtra And Ors.	...Respondents

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Mr.Vivek V. Salunke for the Petitioner.

Ms.VR. Raje, A.G.P. for the Respondent – State.

....

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	9th JULY 2024

P.C.:

1. The petition questions the award dated 3.3.2024 passed by the Lok Adalat, in the Lok Nyayalay held on 3.3.2024. It is contended by the learned learned counsel for the petitioner that the order is passed under the misconception on the part of the petitioner that the matter has been settled, on which ground the application was presented and therefore, it needs to be recalled.

2. The award passed in arbitration proceedings was sought to be executed in R.D. No.1229 of 2019, in which on

3.3.2024, a Pursis came to be filed by the petitioner, indicating that the matter was settled between the parties out of Court and the settlement amount was received by the petitioner / Decree Holder, on account of which the Darkhast was sought to be withdrawn. On this application, the learned Court sent it to the Loknyayalay, which again recorded the consent of the petitioner regarding the settlement and passed an award that it was settled. The learned Trial Court also by an order below Exhibit – 1 recorded the satisfaction of the decree and disposed of the execution proceedings.

3. It is material to note, that the Pursis for withdrawal is signed by the Decree Holder as well as by the counsel (page 91). The settlement form before the Loknyayalay is also signed by the petitioner and his counsel. The learned Trial Court also in its order dated 3.3.2024 (page 90) records that the authorized representative of the Decree Holder as well as the counsel were present and had made a statement that the decree was fully satisfied. This would clearly indicate, that the Pursis for withdrawal and its disposal, on account of the settlement, was voluntary and not otherwise. Nothing has been brought to my

notice that indicate or substantive the plea that the decree was not satisfied. The contention that the award was bad on the ground of jurisdiction, also does not hold any water for the reason that even if the award is ignored, however, the learned Court has also passed an order below Exhibit - 1 recording the factum of settlement on the basis of the statement of the representative of the Decree Holder as well as the counsel present before him. (page 90). I therefore do not see any reason to interfere. The petition is dismissed.

(AVINASH G. GHAROTE, J.)