

Jvs.

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

**COMMERCIAL APPEAL FROM ORDER NO. 3 OF 2025
WITH
INTERIM APPLICATION NO. 1777 OF 2025**

Messers Kalyani Corporation	}	Appellant
versus		
M/s. Nina Sales Corporation	}	Respondent

Mr. Suraj S. Ghogare for appellant.

Mr. Vijay M. Vaghela for respondent.

Mr. Nikhil Phakatkar, representative of
appellant present.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.**

DATE: APRIL 22, 2025

P.C.:

1. This appeal under section 13(1-A) of the Commercial Courts Act, 2015 has been filed against the order dated 23rd October 2023 passed by the Bombay City Civil Court rejecting the notice of motion filed by the appellant for setting aside the *ex-parte* decree dated 19th September 2022.

2. This Court, by an order dated 2nd April 2025, had referred the matter for mediation. Mr. Nitin Thakker, learned senior counsel (Mediator) has submitted the consent terms arrived at between the parties, which read as under: -

"CONSENT TERMS

The Decree passed by Bombay City Civil Court at Bombay dated 19th September 2022 is substituted by the following Decree by Consent.

1. *There shall be decree in terms of prayer clause (a) of the Suit.*
2. *In the event of the Defendant paying a Sum of Rs.4,82,130/- by 12 monthly installments of Rs.40,177/- each, to be paid on or before 10th day of each month commencing from 10th May 2025.*
3. *Each of the instatement the Defendant undertakes to this Hon'ble Court to pay by NEFT/RTGS to the credit of Bank A/c of the plaintiff viz.*
Bank Name: - Yes Bank
Branch: Ghatkopar (East), Mumbai.
Account No.: 021384600000027.
name of Account Holder: Nina Sales Corporation
IFSC Code: YESB0000213
4. *In the event of the Defendant committing default in payment of anyone installment the decree as per clause 1 after giving credit for the amount if any received shall become executable."*

3. In view of the aforesaid, the appeal is disposed of in terms of the aforesaid consent terms arrived at between the parties.
4. Interim application, if any, also stands disposed of.
5. We place on record our appreciation for the efforts put in by Mr. Nitin Thakker, learned senior counsel, who acted as the Mediator between the parties.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)