



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

COMMERCIAL APPEAL (COMAP) NO. 04 OF 2024

Maharashtra Jeevan Pradhikaran, through its Member Secretary, Mumbai & Ors.

Vs.

SMC Infrastructure Pvt. Ltd. Khopat, Thane, through its Director, Dadar, Mumbai

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

Court's or Judge's orders.

Mr. A.Y. Kapgate, Advocate for the Appellants.

Mr. N.R. Nebhani, Advocate for the Respondent.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 7th MAY, 2025.

P.C.

It is jointly agreed that the corresponding responsibilities are discharged by the parties to the appeal who have executed a compromise deed, which is duly signed by the Superintending Engineer, Maharashtra Jeevan Pradhikaran, Circle Chandrapur, Executive Engineer, Maharashtra Jeevan Pradhikaran, Division Wardha and the representative of the respondent/deed-holder namely SMC Infrastructure, Thane.

2. The minutes of the meeting based on which the compromise deed is executed are also produced as Annexures -1 and 2 to Civil Application (CAO) No.373/2025, wherein the respondent/deed-holder has prayed for grant of permission to withdraw the amount deposited by the appellants/judgment-debtors.

3. Since the parties have agreed to act in accordance with the minutes of the meeting dated October 29, 2024 so also compromise deed executed between the appellants and the respondent dated March 4, 2025, which are part of Civil

Application (CAO) No.373/2025, and that of the affidavit executed by the decree-holder pursuant to the minutes of the meeting dated October 29, 2024 signed on November 6, 2024 and the compromise deed dated March 4, 2025, the counsel appearing for the appellants/judgment debtors has no objection not only for disposal of the appeal but also for allowing the application to withdraw the amount moved by the respondent/decree-holder.

4. As such, we deem it appropriate to dispose of the present appeal in terms of the minutes of the meeting so also the compromise deed and that of the affidavit dated May 5, 2025 executed by the respondent/decree-holder.

5. The appeal accordingly stands disposed of. No costs.

6. We also permit the respondent/decree-holder to withdraw the amount of Rs.62,33,660/- without interest and it is the appellants/judgment-debtors who will be entitled to withdraw the amount of interest.

7. The Office to process the request.

8. All pending civil applications stand disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Vijaykumar