

## **Regular Civil Appeal No. 48/2019**

### **Order below Exh. 1**

(1) Present appeal is filed by the appellant challenging the judgment and decree passed by the Ld. Trial Court in Special Civil Suit No. 250/1999 [New SMCST No. 315/2016]. The said suit was filed to recover an amount of Rs. 9,35,000/- with interest.

(2) It is required to be mentioned here that there are all together 12 litigation in the form of Regular Civil Appeals, Misc. Civil Application, Special Civil Suit and Execution Petitions either Regular or Commercial are pending in the different Courts situated in the precincts of the District Court, Surat and it's subordinate Courts, and also, one First Appeal is pending before the Hon'ble High Court of Gujarat between the parties or their sister concerns.

(3) The parties have arrived at settlement by forgiving their long running disputes and decided to settle the said disputes in the Lok-Adalat. The parties, i.e., appellant and respondent of present appeal as well as their sister concerns, have decided to resolve their dispute amicably and on certain terms mentioned in the settlement pursis at Exh. 78 .

(4) As per this settlement pursis, the appellant and it's sister concerns are agreed to accept Rs. 90,00,000/- from the respondents and their sister concerns as a full and final settlement to be paid on or before 31.03.2028 without any interest over the said amount. But, if, the respondents and their sister concerns fail to pay the amount within said period the appellant and it's sister concerns are entitled to recover an amount of Rs. 1,16,11,189/- with 9% interest from today till the actual realisation of the amount. Also, till the payment of the amount the respondents and their sister concerns will not transfer the properties mentioned in the pursis and it shall be treated as an injunction. However, the appellants are agreed to give no-objection within 7 days, if the respondents and their sister concerns request the appellant in writing to give no-objection to sell the property(ies) with a condition to pay the sell consideration to the appellants aggregating Rs. 90,00,000/-. If, the respondents and their sister concerns paid the amount of Rs. 90,00,000/- within the stipulated period the injunction will automatically stands vacated on the day of payment of decreetal amount either Rs. 90,00,000/- or Rs. 1,16,11,189/- with interest @ 9% p.a.

(5) The respondents also are agreeable to the said terms.

