



CNR No.MHSCA10004192014

IN THE COURT OF SMALL CAUSES, AT MUMBAI

P APPEAL NO.155 OF 2014
IN
L.E.&.C. SUIT NO.120/156 OF 2010

(Networth Stock Broking Limited)	)
Deleted as name changed.	)
a Company incorporated and registered	)
under the provisions of the Companies	)
Act, 1956 having its registered office at	)
5, Churchgate House, 2nd floor, 32/34	)
Veer Nariman Road, Mumbai 400 001	)
and also having address at Office	)
Premises bearing No.1A on the Ground	)
Floor, "A" Wing Mittal Court, 224,	)
Nariman Point, Mumbai 400 002.	)
Monarch Networth Capital Limited	)
901-902, 9 th Floor, Atlanta Centre,	)
Sonawala Lane, Opp, Udyog Bhawan,	)
Goregaon (East), Mumbai - 400 063.	)...Appellants
	(Orig. Defendants)

Vs.

Gold Castle Realtors Private Ltd.)
 a Company incorporated and registered)
 under the provisions of Companies Act,)
 1956 and having its registered Office at)
 Nirmal 21st Floor, Nariman Point,)
 Mumbai-400 021.)Respondents/
 (Orig. Plaintiffs)

Shri. Mayur V. Faria, Advocate for the appellants.

Shri. Subhash K. Vyas, Advocate for the respondents.

AND

CROSS OBJECTIONS NO.9 OF 2014
 IN
 P APPEAL NO.155 OF 2014
 IN
 L.E.&C. SUIT NO.120/156 OF 2010

Networth Stock Broking Limited)
 a Company incorporated and registered)
 Under the provisions of the Companies)
 Act, 1956 and having its registered office at)
 5, Churchgate House, 2nd floor, 32/34)
 Veer Nariman Road, Mumbai-400 001)
 And also having address at Office)
 Premises bearing No.1A on the Ground)

Floor, “A” Wing Mittal Court, 224,)
 Nariman Point, Mumbai - 400 021.)...Appellants
 (Orig. Defendants)

Vs.

Gold Castle Realtors Private Ltd.)
 a Company incorporated and registered)
 Under the provisions of Companies Act,)
 1956 and having its registered Office at)
 “Nirmal”, 21 st Floor, Nariman Point,)
 Mumbai-400 021.)...Respondents/
 (Orig. Plaintiffs)

Shri. Mayur V. Faria, Advocate for the appellants.

Shri. Subhash K. Vyas, Advocate for the respondents.

Coram: Smt. T.G.Mitkari, Addl. Chief Judge,
 &
 Shri. R.V.Bhakta, Addl Chief Judge,
 C. R. No.3.
 Date : 07/01/2023
 Claim for : 45,49,86,796/-

DECREE

The Appellants (Original Defendants) abovenamed filed
 Appeal and Respondents (Original Plaintiffs) filed Cross

Objection No.9 OF 2014 IN P Appeal no.155 OF 2014 in L.E.&C. Suit No.120/156 OF 2010 in this Court of Small Causes, at Mumbai arising from the Order of Ld. Trial Judge M.M.Sayed, C.R.No.17, dated 9th August, 2012 passed below L.E.&C. SUIT NO.120/156 OF 2010 on the grounds mentioned in the memorandum of appeal filed on dated 01st October 2012 and this Appeal came for final disposal on 07th January 2023, before Smt. T.G.Mitkari, Addl. Chief Judge, and Shri. R.V.Bhakta, Addl Chief Judge,
Shri. Mayur V. Faria, Advocate for the appellants.
Shri. Subhash K. Vyas, Advocate for the respondents.

:- ORDER :-

1. The appeal stands dismissed.
2. Cross Objection is partly allowed.
3. The defendant is directed to pay to plaintiff or deposit in the Court amount of Rs. 2,00,00,000/ (Rs. Two Crores only) within 6 Months from the date of this order. On its failure the defendants shall pay to plaintiff interest at the rate of 15 % per annum till realization of the amount.
4. The judgment and order dated 09.08.2012 is passed in L.E. & C. Suit No.120/156 of 2010 is modified as under :

1. The defendant do pay an amount of Rs.4,08,89,978.70 towards the licence fee, amenity charges for the period from June 2010 to 04th August 2011 however, the defendant is entitled to adjust the aforesaid amount in the security deposit of Rs. 3 Crore. Therefore, the defendant is directed to pay remaining amount of Rs. 1,08,89,978.70 to the plaintiff with interest thereon 15% per annum from the date of the suit till the realization of the aforesaid amount.
2. The bank guarantee furnished by the plaintiff stands discharged.
3. The claim of the plaintiff as per prayer Clause (c) is partly allowed to the extent of compensatory damages of 2,00,00,000/- (Rs. Two Crores only) and rest of the claim of the plaintiff stands dismissed.
5. Decree be drawn up accordingly.

I agree,

Sd/-
(R.V.Bhakta)
Addl. Chief Judge
Court Room No.3.
Dt. 07/01/2023

Sd/-
(T.G.Mitkari)
Addl Chief Judge
Court Room No.3.
Dt. 07/01/2023

P APPEAL NO.155 OF 2014
AND CROSS OBJECTIONS NO.9 OF 2014
IN L.E.&C. SUIT NO.120/156 OF 2010

BILL OF COST

Particulars	Appellant	Respondent
	(Rs. Ps.)	(Rs. Ps)
1.Stamp on Appeal Memo.....	300000=00	00=00
2. Stamp on V.P.....	10=00	00=00
3.Stamp on Applications/Exhs.	130=00	20=00
4.Pleader's Fee.....	2275334=00	00=00
5. Commissioner's Fee.....		
6. Subsistence of Witness.....		
7. Service of Process.....	12=50	
TOTAL :	2575486=50	20=00

Given under our hands and Seal of the Court

Court Room No. 3

This 7th January of, 2023

(R.V.Bhakta)

Addl Chief Judge, C.R.No.3

07/01/2023

(T.G.Mitkari)

Addl. Chief Judge, C.R.No.3

07/01/2023

Prepared by S.R.Sable, Clerk-Typ 02/03/2023

Checked by Neeta A. Kadam Judicial clerk, C.R.No. 3

Shri. Mayur V. Faria, Advocate for the appellants.

Shri. Subhash K. Vyas, Advocate for the respondents