

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL REVISION APPLICATION NO. 379 OF 2007**

Ranjit Natwarlal Kotak  
and Others.

..Appellants.

Versus

Bachan K. Patel  
and Others.

..Respondents.

Mr. H.S.S.Murthy i/b Mr. Virkant K. Narkar for the Appellants.  
Mr. K. Y. Mandlik, N. A. Sawhney i/b Hooseini Doctor & Co., for  
Respondent No. 4(a) (b) and (c).  
Mr. Y. M. Choudhari i/b Mr. Omkar M. Kulkarni for Respondent  
No. 5 and 6.

Coram : RANJIT MORE, J.

Date : **July 7, 2015.**

P. C. :

1. Parties to the revision have settled their disputes amicably and have filed consent terms. Consent terms are signed by Appellant Nos. 1(a), 1(b), 1(c) and 2 and Respondent No. 4(a) and 4(c) along with their respective advocates.

2. The Appellant No. 1(b) and 2 are present in the Court. So far as Respondent No. 4(b) is concerned, he was present before the Court on the last date and he had submitted that he has given no objection to the consent terms. Therefore, his presence of today's hearing is dispensed with.

Respondent No. 6 is present for himself and on behalf of Respondent No. 5. On specific query, parties submitted that they have gone through the consent terms and the same are drawn as per their instructions. Consent terms are taken on record and marked "X" for identification.

3.               Clauses 10 and 11 of the consent terms are to be complied with on or before 28<sup>th</sup> July 2015. Hearing of this revision application is therefore deferred till 4<sup>th</sup> August 2015.

**[RANJIT MORE, J.]**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION No. 628 OF 2014**  
**IN**  
**CIVIL REVISION APPLICATION NO. 379 OF 2007**

Pradeep N. Kotak.

..Applicant.

In the matter between:

Ranjit Natwarlal Kotak  
and Others.

..Appellants.

Versus

Bachan K. Patel  
and Others.

..Respondents.

Mr. H.S.S.Murthy i/b Mr. Virkant K. Narkar for the Applicant.  
Mr. K. Y. Mandlik, N. A. Sawhney i/b Hooseini Doctor & Co., for  
Respondent No. 4(a) (b) and (c).

Coram : RANJIT MORE, J.

Date : **July 7, 2015.**

P. C. :

1. Mr. Murthy, the learned Counsel appearing for the Applicant at the outset seeks to leave amend the prayer clause. He further seeks leave to delete the names of Respondent Nos. 1 to 3 and to bring on record the legal heirs of deceased Respondent No.4. He submitted that he has already filed civil application for the bringing on record legal heirs of Respondent-4. Mr. Mandlik, the learned counsel states that he is appearing on behalf of the legal heirs of deceased Respondent No.4 and he has no objection if the prayer for

amendments as sought by the Applicant is granted. In the circumstances, leave is granted to the Applicant to amend the prayer clause, to delete the names of Respondent Nos.1 to 3 and to bring on record the legal heirs of deceased Respondent No.4. Necessary amendments be carried out forthwith.

2. The Applicant is seeking following reliefs :

- (a) That, this Hon'ble Court be pleased to recall the order dated 19<sup>th</sup> October 2012 and modify the same by permitting the withdrawal of the Civil Application No. 717 of 2012 by deleting the word "Revision Application" and restore the CRA No. 379 of 2007 and to be continued the earlier order dated 12.02.2008.
- (b) That this Hon'ble Court be pleased to condone the delay of 1 year and 360 days in taking out the present Civil Application."

3. Mr.Mandlik, the learned Counsel appearing for Respondent No. 4(a) to (c) states that he has no objection to grant the civil application. In view of the concession, civil application is allowed in terms of prayer clauses (a) and (b).

**[RANJIT MORE, J.]**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION No. 629 OF 2014**  
**IN**  
**CIVIL REVISION APPLICATION NO. 379 OF 2007**

|                               |                |
|-------------------------------|----------------|
| Pradeep N. Kotak.             | ..Applicant.   |
| <u>In the matter between:</u> |                |
| Ranjit Natwarlal Kotak        |                |
| and Others.                   | ..Appellants.  |
| <u>Versus</u>                 |                |
| Bachan K. Patel               |                |
| and Others.                   | ..Respondents. |

Mr. H.S.S.Murthy i/b Mr. Virkant K. Narkar for the Applicant.  
Mr. K. Y. Mandlik, N. A. Sawhney i/b Hooseini Doctor & Co., for  
Respondent No. 4(a) (b) and (c).

Coram : RANJIT MORE, J.

Date : **July 7, 2015.**

P. C. :

1. This civil application is filed by the revision applicant no.2 (original Plaintiff) for bringing the legal heirs of deceased Respondent No. 4 on record.
2. At the outset, Mr. Murthy seeks leave to delete Respondent No. 1 to 3. Leave granted. Amendments to be carried out forthwith.
3. Mr. Mandlik, learned counsel states that he is appearing on behalf of the legal heirs of deceased Respondent No.4, and that he has no objection if the civil application is granted. In view of the concession, civil application is allowed in terms of prayer clause (a).

**[RANJIT MORE, J.]**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION No. 315 OF 2015**  
**IN**  
**CIVIL REVISION APPLICATION NO. 379 OF 2007**

Jaydev Mukund Mody & Anr. ..Applicants.

In the matter between:

Ranjit Natwarlal Kotak  
and Others.

..Appellants.

Versus

Bachan K. Patel  
and Others.

..Respondents.

Mr. Choudhari i/b Mr. Omkar Kulkarni for the Applicants.

Mr. H.S.S.Murthy i/b Mr. Virkant K. Narkar for the Appellants.

Mr. K. Y. Mandlik, N. A. Sawhney i/b Hooseini Doctor & Co., for  
Respondent No. 4(a) (b) and (c).

Coram : RANJIT MORE, J.

Date : **July 7, 2015.**

P. C. :

1. Not on board. Production was sought since the connected matter was on board. Production was granted and then application was taken up on board. Head the learned Counsel appearing for the respective parties.

2. Mr. Choudhary, the learned Counsel appearing for the Applicants at the outset seeks leave to delete the names of Respondent Nos.1 to 3. Leave granted. Necessary amendments be carried out forthwith.

3. This civil application is taken out by Jaydev Mody

and Pradeep Kotak for direction to the original Appellant – Plaintiff to implead them as party Respondent Nos 5 and 6 in the Civil Revision Application No.379 of 2007. Mr. Murthy, the learned Counsel appearing for the Appellants and Mr. Mandlik, the learned Counsel appearing for Respondent No. 4(a) to 4(c) state that they have no objection to allow the civil application since the matter between the parties is amicably settled and parties are filing consent terms in the revision application. In view of the concession, civil application is allowed in terms of prayer clause (a).

**[RANJIT MORE, J.]**