

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1600 OF 2015
IN
SUIT NO. 2699 OF 2002
WITH
MISCELLANEOUS PETITION NO. 142 OF 2013**

Shri Rajesh Chimanlal Shah ...Plaintiffs
Versus
Shri Krishna Omprakash Jalan & Ors. ...Defendants

**ALONG WITH
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 4 OF 2003
IN
TESTAMENTARY PETITION NO. 1027 of 1999**

Rajesh Chimnlal Shah ...Plaintiffs
Versus
Ameeta Ramanlal Pattani & Ors. ...Defendants
AND

MISCELLANEOUS PETITION NO. 10 OF 2014

Ronak Rajnikant Pattani ...Petitioner
Versus
Rajesh Chimanlal Shah & Ors. ...Respondents

Mr. Rohan Agrawal, *i/b Mr. A.V. Jain & Asso., for the Petitioner in MPT 142/13 & Defendant No. 1 in S.2699/12*

Mr. Sunil Patel, *i/b Sunil & Co., for the Respondent No. 1 in MPT 142/13.*

Ms. Bhadra Dalal, *for the Plaintiff in S. 2699/02 & TS.4/03.*

Mr. Ronak Pattani, *for the Petitioner in MPT.10/14.*

Ms. Sonali Kunekar, *i/b Mr. V. Mahangare, for the Plaintiff in MPT.10/14.*

CORAM: G.S. PATEL, J
DATED: 23rd September 2015

PC:-

1. Suit No. 2699 of 2002 and its interlocutory Applications have been clubbed with Testamentary Petition No. 1027 of 1999 under administrative directions of the Hon'ble Acting Chief Justice issued today. Testamentary Petition No. 1027 of 1999 is mentioned and is taken by consent. Miscellaneous Petition No. 10 of 2014 is also taken on board. By consent, Notice of Motion No. 1600 of 2015 is made absolute and Suit No. 2699 of 2015 is restored to file.

2. Consent Terms are filed in Testamentary Petition No. 4 of 2003, Miscellaneous Petition No. 142 of 2013, Miscellaneous Petition No. 10 of 2014 and Suit No. 2699 of 2002 along with all associated interim and interlocutory Applications therein. The Consent Terms are signed by the parties and their Advocates. The various parties are arrayed differently in the various proceedings. It is to be noted however, in particular, Mr. Ronak Rajnikant Pattani, the Petitioner in Miscellaneous Petition No. 10 of 2014 is

personally present in Court. He has also signed these Consent Terms.

3. The following parties are present in Court and their presence is noted. (1) Krishna Omprakash Jalan; (2) Mukesh Hiralal Shah; (3) Bipinchandra Jayantilal Pattani; (4) Usha Bipinkumar Shah; (5) Ronak Rajnikant Pattani; (6) Ashok Jayantilal Pattani; (7) Hemali Vinitkumar Gandhi and (8) Ashita Kalpeshkumar Sanghavi.

4. The Consent Terms are taken on record and marked “X” for identification. The undertakings in the Consent Terms are accepted as undertakings to the Court.

5. All these matters are disposed of in accordance with the Consent Terms.

6. In view of clause 10(viii), Miscellaneous Petition No. 142 of 2013 is allowed to be withdrawn and disposed of. Similarly, Miscellaneous Petition No. 10 of 2014 stands disposed of in accordance with these terms; specifically that, as agreed in clause 10(v), the order dated 7th May 2015 passed in Miscellaneous Petition No. 10 of 2014 and which was recalled on 18th June 2015 is revived and is modified to the extent that the Flat in question is excluded as provided in these Consent Terms. By way of abundant caution, it is clarified that the order dated 18th June 2015 is hereby recalled and order of 7th May 2015 is restored with the foregoing modification.

7. Suit No. 2699 of 2002 is allowed to be withdrawn with no order as to costs.
8. All these matters are disposed of accordingly.
9. In all matters, refund of Court fees in accordance with the rules.
10. Ms. Sonali Kunekar states that there is a pending Chamber Order filed by Mr. Ronak Rajnikant Pattani for discharge in Miscellaneous Petition No. 10 of 2014 which is even now been opposed. It is clarified that notwithstanding the disposal of these matters, that Chamber Order will continue to its final conclusion and Ms. Kunekar will be entitled to pursue her opposition to that Chamber Order and to seek such reliefs as are permissible in law in that regard. Similarly, the Petitioner Mr. Ronak Rajnikant Pattani is at liberty to pursue that Chamber Order to its logical conclusion. In addition, any claims Ms. Kunekar may have against the Petitioner in the Miscellaneous Petition, Mr. Ronak Rajnikant Pattani, are expressly kept open and are reserved for appropriate civil proceedings.

(G. S. PATEL, J.)

CERTIFICATE

"Certified to be true and correct copy of the original signed Judgment/Order."