

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUIT NO.1495 OF 2010
WITH
NOTICE OF MOTION NO.1909 OF 2010
WITH
CHAMBER SUMMONS NO.210 OF 2013
WITH
COURT RECEIVER'S REPORT NO.48 OF 2014**

Pankaj Ramniklal ShahPlaintiff

V/s.

Priyang Navinchandra Shah & Ors.Defendants

Mr. Nitin Thakker, Senior Advocate i/b. Ms. Seema Hunnurkar for the plaintiff.

Mr. Viral Shukla a/w Ms. Priti Patel i/b. M/s. Shukla & Associates for the defendant nos.1,8,10,11 and 12.

Mr. Vishnu Mehra i/b. Mr. Atul Vinay Singh for the defendant nos.2,3,7 and 17.

Ms. Jyoti Ghag i/b. M/s. Thakore Jariwala and Associates for the defendant nos.4,9,13,14,15 and 16.

Mr. Devang Khira i/b. Mr. Jayesh Patel for the defendant no.5.

Mr. Naushad Engineer a/w Mr. Gobinda C. Mohanty i/b. M/s. Mohanty & Associates for the defendant no.6.

Mr. V.S. Panandikar, Assistant, Court Receiver's Officer is present.

**CORAM : K.R.SHRIRAM,J
DATE : 15th October, 2015**

P.C.:-

1 At the outset, the counsel for the plaintiff tenders draft amendments. The draft amendments are taken on record and marked 'X' for identification.

2 The defendants and the proposed defendants have no objection. The amendments, therefore, are allowed. The amendments to be carried out forthwith. Re-verification is dispensed with.

3 Mr. Viral Shukla, advocate instructed by M/s. Shukla & Associates, accepts service and undertakes to file vakalatnama on behalf of newly added defendant nos.1,8,10,11 and 12. The vakalatnama to be filed within two weeks from today.

4 Ms. Jyoti Ghag, advocate instructed by M/s. Thakore Jariwala and Associates, accepts service and undertakes to file vakalatnama on behalf of newly added defendants nos.9,13,14,15 and 16. The vakalatnama to be filed within two weeks from today.

5 Mr. Vishnu Mehra, advocate on instructions from his advocates accept service and undertakes to file vakalatnama on behalf of defendant nos.2,3,7 and 17. The vakalatnama to be filed within two weeks from today.

6 All the parties have excluding defendant no.6 have entered into consent terms. The consent terms dated 15th October, 2015 are signed by all the plaintiffs and all the defendants and their respective advocates except defendant no.6. The same is taken on record and marked 'Y' for identification.

7 The suit stands disposed of in terms of the consent terms and a decree to be drawn up accordingly.

8 All interim orders passed in this suit are set aside. All interim applications also stand disposed.

9 The Court Receiver, High Court, Bombay appointed as Receiver of the suit firm M/s. U.B. Enterprises is hereby directed to forthwith and in any event within 7 days of the date hereof, make an application for withdrawal of the Suit T.E. & R. Suit No.118 of 2014 pending before the Small Causes Court at Mumbai. The Judge hearing the said suit is requested to dispose of the application for withdrawal as soon as possible and in any event within two weeks of filing the application.

10 The Court Receiver, High Court, Bombay appointed as Receiver of the suit firm M/s. U.B. Enterprises stands discharged without passing of accounts. All costs, charges and expenses of the Receiver to be borne and paid by the parties hereto in the following proportion :-

Plaintiff	15%
Defendant No.1	25%
Defendant No.2	35%
Defendant No.3	15%
Defendant No.4	10%
Total :	100%

The advocates appearing for the respective parties undertake to pay the costs, charges and expenses of the Court Receiver.

11 Suit as against defendant no.6 is dismissed for want of prosecution.

12 Undertakings of all parties to these Consent Terms are accepted and so ordered.

13 Refund of court fees as per rules.

14 It is clarified that defendant no.6 is not a party to this consent terms and the same will not be binding upon defendant no.6.

15 The Court Receiver's Report No.48 of 2014 is accordingly disposed of.

16 Parties to act on copy of this order duly authenticated by the Associate of this Court.

(K.R.SHRIRAM,J)

CERTIFICATE

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