

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****SUIT (L) NO. 802 OF 2014
WITH
NOTICE OF MOTION (L) NO. 1903 OF 2014**

Master Pramaey Paresh Kapadia & Anr. ...Plaintiffs
vs.
Ranjit Meghji Kapadia HUF & Ors. ...Defendants

with

**SUIT (L) NO. 865 OF 2014
WITH
NOTICE OF MOTION (L) NO. 2047 OF 2014**

Ranjit Kapadia & Anr. ...Plaintiffs
vs.
Hemal Paresh Kapadia & Anr. ...Defendants

Mr.Sharan Jagtiani with Mr.Ankur Mahendru and Mr.Jatin Sehgal i/b. Mr.Vijay Dhingreja for Plaintiffs in Suit (L) 802/2014 and for Defendant No.1 in Suit (L) 865/2014.
Ms.Bindi Dave i/b. M/s.Wadia Ghandy & co. for Defendant Nos.1, 2, 4 and 6 (for Plaintiffs in Suit (L) 865/2014.
Mr.Vikram Deshmukh i/b. M/s.Ganesh & Co. for Defendant Nos.3 and 5.

CORAM : S.C. GUPTE, J.

15 JANUARY 2015

P.C. :

Suit (Lodging) No.802/204 is filed by the Plaintiffs for a declaration that Plaintiff No.1 is a coparcener of a joint Hindu Undivided Family of Defendant No.1 and for partition of the property by separating his 1/4th share. Suit (Lodging) No.865/2014 is a suit filed by Defendant Nos.2 and 6 to Suit (Lodging) No.802/2014 for eviction of the Plaintiffs from a part of the suit property occupied by Plaintiff No.2.

(Lodging) No.802/2014. The Minutes of Order incorporate a settlement agreement arrived at between the parties. By this settlement agreement, Defendant Nos.2 and 3 have undertaken to pay to the Plaintiffs an aggregate sum of Rs.13 crores by way of lump sum settlement. The terms of such payment and distribution of the amount have been provided for in the Minutes of Order. Plaintiff No.1, who is a minor, is provided for in terms of Clause 3(c) of the Minutes of the Order. The Minutes of Order contain statements and undertakings on the part of the parties. The Minutes of Order are taken on record, marked "X" for identification. The statements and undertakings contained therein are accepted.

3 There shall be a decree in terms of the Minutes of Order. The Consent Terms are hereby approved as just and reasonable and in the interest of minor Plaintiff No.1. The suit is accordingly disposed of. The parties shall be at liberty to apply in case of any difficulty. There shall be no order as to costs. Refund of Court fees in accordance with the applicable Rules. In view of the disposal of the suit, nothing survives in Notice of Motion (Lodging) No. 1903/2014. The same is accordingly disposed of.

4 Learned Counsel for the Plaintiffs in Suit (Lodging) No.865/2014 applies for withdrawal of the suit in view of the decree passed in terms of the Minutes of Order in the companion suit, namely, Suit (Lodging) No.802/2014. The suit shall be dismissed as withdrawn. There shall be no order as to costs. Refund of Court fees in accordance with the applicable Rules. In view of the dismissal of the suit, nothing survives in Notice of Motion (Lodging) Nos. 2047/2014. The same is accordingly dismissed.

(S.C. Gupte, J.)