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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**SUMMARY SUIT NO.2535 OF 2012
WITH
SUMMONS FOR JUDGMENT NO.40 OF 2014
IN
SUMMARY SUIT NO.2535 OF 2012**

Rohit Vinayak Shah ...Plaintiff
vs
Hiralal Amrutlal Shah ...Defendant

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Mr. Vinod Kothari, i/b. Apex Law Partners, for the Plaintiff.

Mr. Sunil Gangan, i/b. RMG Law Associates, for Defendant Nos. 1(b) to 1(e).

Ms. Smruti Kanade, i/b. M/s. Negandhi, Shah And Himayatullah, for Defendant No.1(a).

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CORAM : S.C. GUPTE, J.

DATED : MARCH 5, 2015

P.C. :

. Learned Counsel for the parties tender Consent Terms duly signed by the parties through themselves/authorised representatives. The Consent Terms are signed on behalf of the executors of the will of late Chimanlal Ujamshi Shah by Defendant Nos. 1(b) on behalf of himself and Defendant Nos. 1(c) to 1(e). Defendant Nos. 1(c) to 1(e) have duly authorised Defendant Nos. 1(b) to sign these Consent Terms on their behalf. These Defendants are represented through Counsel on behalf of

Defendant Nos. 1(b) to 1(e), who supports the case of such authority. The act of signing of these Consent Terms by Defendant Nos. 1(b) on behalf of himself and Defendant Nos. 1(c) and 1(e) amounts of an act of the executors in execution of the will. The will of Chimanlal Ujamshi Shah, a copy of which is annexed to these Consent Terms, stipulates that all decisions regarding management of the estate shall be taken by the executors by majority. The four executors of the will, namely, Defendant Nos.1(b) to 1(e) constitute such majority. The Consent Terms are accordingly taken on record marked "X" for identification. The statements and undertakings are accepted. The Suit is decreed in terms of the Consent Terms. No order as to costs. Refund of Court fees in accordance with the applicable rules.

2. In view of the disposal of the suit, the Summons for Judgment does not survive and the same is disposed of.

3. Ms. Smruti Kanade, Learned Counsel who appears in the matter on behalf of the Advocates, Negandhi Shah & Himayatullah, who were originally Advocates of Defendant Nos. 1, 1 (a) to 1(e) submits that though the name of the Advocates is shown on board, the Advocates have already returned the papers and issued no objection in favour of the new Advocates.

(S.C. GUPTE, J.)