

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****COMPANY APPEAL NO. 11 OF 2015****IN****COMPANY PETITION NO. 78 OF 2012****ALONGWITH****COMPANY APPLICATION NO. 3 OF 2015****IN****COMPANY APPEAL NO. 11 OF 2015****Ranjan Chandrakant Javeri****..... Applicant/
Org. Petitioner****VERSUS****Khetani Textile Industries Pvt. Ltd. & Ors.****..... Respondents****ALONGWITH****SUIT NO. 17 OF 2013****Spring Fab and Textiles Pvt. Ltd. & Ors.****..... Plaintiffs****VERSUS****Ranjan C. Javeri & Ors.****..... Defendants**

Mr.R.A.Shah, a/w. Ms.Manori Padwalkar, i/b. Mansukhlal Hiralal & Co. for the Plaintiffs in Suit No. 17 of 2013.

Ms.Rashmi Doshi, a/w. Ms.Priya Thakur for the Respondent nos. 1 and 2 and defendant no.6 in Company Appeal No.11 of 2015 and Suit No.17 of 2013.

Mr.Hiren G.Shah, i/b. M/s.Prakash & Co. for the Defendant no.3 in Suit No.17 of 2013.

Mr.Kalpesh Joshi for the Defendant nos. 2, 4 and 5.

Ms.Rima Paradkar, i/b. D.M.Legal Associates for the Defendant no.1 and the appellant.

CORAM : R.D. DHANUKA, J.**DATE : 8th FEBRUARY, 2017****P.C.**

Learned counsel appearing for the plaintiff and defendant no. 1 have

tendered consent terms dated 13th January,2017 duly signed by the parties and their respective advocates. Learned counsel appearing for the plaintiff and defendant nos. 2, 4, 5 and 6 have tendered consent terms dated 8th February,2017 duly signed by the parties and their respective advocates. The signatures of the parties are identified by their respective advocates. Learned counsel appearing for the parties state that the signatories to the consent terms are authorized to sign the consent terms on behalf of the parties. Statement is accepted. Consent terms between the plaintiff and defendant no. 1 dated 13th January,2017 are marked as 'X-1' for identification. Consent terms dated 8th February,2017 between the plaintiff and defendant nos. 2, 4, 5 and 6 are marked as 'X-2' for identification. Undertakings recorded in both the consent terms are accepted.

2. It is made clear that the suit between the plaintiff and the defendant no.3 is kept pending.

3. Learned counsel for the defendant no.6 states that the defendant no.6 would issue advance 7 days notice to the Prothonotary and Senior Master for permitting the defendant no.6 to depute his representative and to make necessary entries in the register which is lying in the custody of the learned Prothonotary and Senior Master to update the register of shares in accordance with the consent terms with notice to defendant no.3. Statement is accepted. If such 7 days notice is given by the defendant no.6 with notice to the defendant no.3, learned Prothonotary and Senior Master shall permit the defendant no.6 to depute its representative and to make necessary entries as contemplated in clause 21 of the consent terms dated 8th February,2017.

4. Suit No.73 of 2013 is disposed of between the plaintiffs and defendant nos.

1, 2, 4, 5 and 6.

5. In view of the consent terms arrived at between the plaintiffs and the aforesaid defendants, by consent of parties, paragraphs (iii) and (iv) on page 18 of the order dated 13th October, 2016 passed by the company court in Company Appeal No.11 of 2015 are recalled.

6. Learned counsel appearing for the plaintiffs admits that the defendant nos. 2, 4 and 5 have already handed over shares in terms of their obligation under the consent terms to the plaintiffs. Statement is accepted.

(R.D.DHANUKA, J.)