

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

**APPEAL NO. (ST) 113 OF 2016
WITH
NOTICE OF MOTION (L) NO.779 OF 2016
WITH
NOTICE OF MOTION (L) 781 OF 2016
WITH
NOTICE OF MOTION (L) NO.1067 OF 2016**

...

P K Kuriakose and others	 Appellants
vs	
Tata Capital Financial Services Ltd.	 Respondent

...

Mr.Anusha Davar I/b Gauri S. Rao for Appellants.
Ms.Nelly Mehta with Mr.Abhishek Padwalkar i/b MDP & Partners for Respondents.
Mr.A.S.Tammannavar, Section Officer, Court Receiver is present.

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**CORAM : ANOOP V. MOHTA &
A.A.SAYED, JJ.**

6 MAY 2016.

ORDER :

This Appeal under Section 37 of the Arbitration & Conciliation Act, 1996 arises from the order passed by the learned Single Judge in a Petition under Section 9 of the Arbitration Act.

2. The parties have arrived at settlement, which is reflected in the Consent Terms dated 6 May 2016, which is tendered in Court today. By consent of parties, the Consent Terms are taken on record and marked "X" for identification.

3. There is no objection with regard to authorization and respective signatures of the parties so also the Authority letter. The respective Advocates have also signed the same. The statement is made that the third party/person will not be affected by the Consent Terms. Appellant No.1, who is husband of Appellant No.2, and Managing Director of Appellant No.3 is present in Court. Authorized Officer of Respondent is present in Court. Appellant No.1 states that he has understood the contents of the Consent Terms as explained by his Advocate. Appellant No.1 undertakes to submit the Power of Attorney of Appellant No.2, who is his wife, within two weeks from today and serve a copy thereof on the Respondent. Respondent has no objection for this.

4. The Appeal is disposed of in terms of the Consent Terms. The undertakings in the Consent Terms are accepted.

5. We direct the Court Receiver to hand over the possession of the subject property to the Appellants by tomorrow during the office hours. It is made clear that it is subject to making requisite payment/charges to the Court Receiver. We note the presence of Mr.A.S.Tammannavar, representative of the Court Receiver in Court.

6. In view of disposal of the Appeal, Notices of Motion do not survive.

All concerned to act on ordinary copy of this order duly authenticated by the Registry.

(A.A.SAYED, J.)

(ANOOP V. MOHTA, J.)