

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.197 OF 2015 IN
NOTICE OF MOTION NO.1462 OF 2015 IN
SUIT NO.870 OF 2014

Ashwin I. Rele ...Appellant
vs.
M/s.Aarati Realchem LLP & Ors. ...Respondents

Mr.Ashwin Rele the appellant is present.
Mr.Girish Utangale a/w Mr.Kunal Bhanage and
Mr.Chetan Mhatre i/b Utangale & Co. for the
appellant
Mr.Navdeep Vora a/w Namrata Barot i/b Navdeep Vora &
Associates for the respondent No.1
Dr.M.S.Deshpande, Court Receiver is present.

CORAM : A.S.OKA, &
SMT.ANUJA PRABHUDESSAI,JJ.
DATE : DECEMBER 9, 2016

P.C.:

1 The learned counsel for the appellant and the first respondent have tendered the consent terms. The same are taken on record and marked 'X-1' for identification. The consent terms have been signed by the appellant-original plaintiff who is personally present in the Court as well as by his Advocate. The consent terms have been signed on behalf of the first respondent by its partner Mrs.Viral Mayank Gogri who is also personally present in the Court. The consent terms have been signed by the Advocate for the first respondent. Both the appellant and the said Mrs.Viral Mayank Gogri through their respective counsel stated that

the contents of the consent terms are correct and they have voluntarily signed the consent terms.

2 By this appeal, an exception is taken to the order dated 26th November 2014 passed by the learned Single Judge in the Notice of Motion No.1462 of 2014. By the said order, the learned Single Judge has granted ad-interim relief. The learned counsel for the appellant and the first respondent stated that the suit is pending and by taking the suit on board, a decree passed in terms of the consent terms.

3 The learned counsel for the first respondent prays that the first respondent-plaintiff be permitted to delete the names of the second, third and fourth defendants from the suit and consequently to delete their names as the second, third and fourth respondents in this appeal. Accordingly, a permission is granted to amend the appeal. Formal amendment shall be carried out by the first respondent to the appeal and the suit within a period of two weeks from the date on which this order is uploaded.

4 Accordingly, we pass the following order:

(I) The suit No.870 of 2014 stands decreed in terms of the consent terms taken on record and marked 'X-1' for identification. The undertakings of the parties in the consent terms are accepted.

(II) Even this appeal stands disposed of in terms of the consent terms which are marked 'X-1' for identification. No order as to costs.

(ANUJA PRABHUDESSAI,J.)

(A.S.OKA,J.)