

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.231 OF 2015

Indian Oil Corporation

..Applicant

Versus

Abdul Aziz Mulla and others

..Respondents

Mr. Naushad Engineer a/w Mr. Sunil Gangan i/by RMG Law Associates for the Applicant.

Mr. I. A. Raibakker for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 7th APRIL, 2017

PC.

1 The Learned Counsel for the parties tender Consent Terms bearing today's date evidencing the settlement arrived at between the parties. The Consent Terms have been signed by Mr. Sunil Gangan on behalf of RMG Law Associates advocates for the Applicant and by Mr. I. A. Raibakker advocate for the Respondents. The Consent Terms have also been signed by one Mr. Sunil Kumar Mishra, Senior Manager (R. S.), Indian Oil Corporation Limited, whose stamp is also affixed by the side of his signature. The Consent Terms have also been signed on behalf of Respondent No.6 Trust by the five trustees including the newly appointed trustee Mr. Mohammed Farhan Makba who has come in place of the original Respondent No.3. The Consent Terms have also been signed by the managing trustee of the Respondent No.6 Trust Mr. Abdul

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Aziz Mulla who is also personally present in Court. The Senior Manager Mr. Sunil Kumar Mishra of the Applicant is personally present in Court. He is identified by Mr. Naushad Engineer on the instructions of Mr Sunil Gangan. He has been authorized by the Indian Oil Corporation by Power of Attorney dated 23.05.2013, especially clause (2) of the Power of Attorney dated 12.07.2013 which is annexed to the Consent Terms. He is also identified by his PAN Card No.ABPPM4890L, when put in the box and queried he states that he has read the Consent Terms and that they are acceptable to the Applicant i.e. Indian Oil Corporation and that he has signed them pursuant to the authorization given to him vide said Power of Attorney dated 12.07.2013. The Respondent No.1 who is the managing trustee of the Respondent No.6 Trust Mr. Abdul Aziz Mulla is identified by Mr. I. A. Raibakker. He is also identified by his PAN Card bearing No.AAAPM9932B, when put in the box and queried he states that he has read the Consent Terms and that they are acceptable to the Trust which has passed a resolution to the said effect in its meeting dated 21.10.2016. He has signed the said Consent Terms pursuant to the authorization given to him by the Respondent No.6 Trust vide said resolution dated 21.10.2016. To the Consent Terms are annexed the resolution passed by the Trust in its meeting dated 21.10.2016, the two Power of Attorneys authorizing Mr. Sunil Kumar Mishra to sign the

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Consent Terms. The Consent Terms are marked as “X” for identification. The Consent Terms are paginated from 1 to 23. The photocopies of the PAN Card of the Respondent No.6 Trust as also the PAN Cards of Mr. Abdul Aziz Mulla and Mr. Sunil Kumar Mishra are annexed to the Consent Terms. The Learned Counsel Mr. Naushad Engineer appearing for the Applicant hands over a cheque for Rs.50,23,350/- which amount is arrived at after deducting the TDS from the amount of Rs.55,81,500/- in terms of clause (5) to Mr. I. A. Raibakker on behalf of the Respondent No.6 in Court. The Civil Revision Application to stand disposed of in terms of the Consent Terms.

2 In terms of clause (1) of the Consent Terms, leave to amend is granted. Amendment to be carried out forthwith.

[R.M.SAVANT, J]