

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

APPEAL FROM ORDER NO. 751 OF 2016

Diya Garware Ibanez ...Appellant

Versus

Shri.Vayu Ramesh Garware & Ors. ...Respondents

**WITH
CIVIL APPLICATION NO. 944 OF 2016
IN
APPEAL FROM ORDER NO. 751 OF 2016**

Diya Garware Ibanez ... Applicant

Versus

Shri.Vayu Ramesh Garware & Ors. ...Respondents

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Mr. D.J. Khambatta, Sr. Advocate a/w. Mr.Rohan Rajadhyaksha, Mr. Noshirwan Vakil, Ms. Pereis Anklesaria, Mr. Ram Kakkar and Ms. Urvashi Misra i/b AZB & Partners, Advocates for the Appellant in AO No. 751 of 2016.

Mr.S.S.Kanetkar for Respondent No.1.

Ms.Sonu Tandon for Respondent Nos. 3 and 4.

Mr.Aagam J. Joshi for Respondent No.2.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: AUGUST 08, 2017**

P.C. :

1. Learned counsel for the parties submit that the parties have amicably resolved the disputes and have prepared Minutes of Order. Learned counsel for the parties further submit that their respective clients are present in the Court.

2. At the request of the learned counsel for the parties, the Minutes of Order are taken on record and marked “**X-1**” for identification. The said Minutes of Order are reproduced as under:

- “1. Counsels for the parties state that the disputes and differences between the parties, which have been raised in diverse proceedings, have been settled and compromised in terms of a document entitled Family Settlement cum Consent Terms dated 8th August, 2017 (“**FSCA**”), a copy of which is tendered before me today. The same is taken on record and marked as **Annexure ‘1’** and is to be treated as a part of this order.*
- 2. In view of the terms of the FSCA, the following order (by consent of parties) is passed:*
 - a) The FSCA is taken on record and from the terms of the FSCA, the same is found to be lawful. The same has been duly signed by parties and their respective Advocates. Hence, the requirements of Order XXIII of the Code of Civil Procedure, 1908, stand fulfilled.*
 - b) The Appeal from the Order stands disposed off in terms of the FSCA, with leave to the Parties to subsequently seek directions from this Hon’ble Court to the National Securities Depository Limited (“**NSDL**”), for the purpose of implementing the terms of the FSCA, if required.*
 - c) Under the FSCA (clause 9.3, 9.4 and 9.5), the shares of GWRL held in all the respective folios and/or accounts, are the entitlement of and have been agreed to be transferred to Respondent No.1.*

The Parties shall ensure that the NSDL takes all the requisite steps to transmit and/or transfer all of the GWRL shares, in the name of Respondent No.1, which for convenience are enlisted herein below. The Appellant hereby grants her consent or no objection to transfer GWRL shares in favour of Respondent No. 1.

Sr. No.	Name of entity & ISIN No/.	No. of Demat shares	Transmission from		Transmission to		
			Name & Account No.	Details of DP	Name & Demat Account No.	Details of DP	No. Of Shares
1.	Garware Wall Ropes Limited ISIN : INE276 A01018	93,938	Ramesh B. Garware 11845056	Axis Bank Limited, Mayur Colony, Kothrud Branch, Pune 411 038 IN300484	Vayu Ramesh Garware 10195604	Janata Sahakari Bank Ltd., Depository Cell, Bajirao Road, Pune – 411002 IN300280	93,938
2.	Garware Wall Ropes Limited ISIN : INE276 A01018	90,694	Ramesh B. Garware 12450882	Axis Bank Limited, Mayur Colony, Kothrud Branch, Pune 411 038 IN300484	Vayu Ramesh Garware 10195604	Janata Sahakari Bank Ltd., Depository Cell, Bajirao Road, Pune – 411002 IN300280	90,694
3.	Garware Wall Ropes Limited ISIN : INE276 A01018	23,02,729	Ramesh B. Garware 10195637	Janata Sahakari Bank Ltd., Depository Cell, Bajirao Road, Pune – 411002 IN300280	Vayu Ramesh Garware 10195604	Janata Sahakari Bank Ltd., Depository Cell, Bajirao Road, Pune – 411002 IN300280	23,02,729
4.	Garware Wall Ropes Limited ISIN : INE276 A01018	6,04,692	Ramesh B. Garware 10703114 Status of Account : HUF	Janata Sahakari Bank Ltd., Depository Cell, Bajirao Road, Pune – 411002 IN300280	Vayu Ramesh Garware 10195604	Janata Sahakari Bank Ltd., Depository Cell, Bajirao Road, Pune – 411002 IN300280	6,04,692
5.	Garware Wall Ropes Limited ISIN :	5,20,000	Ramesh B. Garware 10697774 Status of Account :	Janata Sahakari Bank Ltd., Depository Cell, Bajirao	Vayu Ramesh Garware 10195604	Janata Sahakari Bank Ltd., Depository Cell, Bajirao	5,20,000

	INE276 A01018		HUF	Road, Pune – 411002 IN300280		Road, Pune – 411002 IN300280	
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- d) *Both the Appellant and Respondent No.1 hereby agree and undertake to this Hon'ble Court to abide by, comply with and/or honour the terms of the FSCA and their respective obligations thereunder.*

For this purpose, the Appellant and Respondent No.1 also (and without prejudice to the generality of the foregoing) agree to: (i) issue, execute and /or sign all necessary writings and documents as are necessary for compliance, implementation and fulfillment of the FSCA and the transaction/s contemplated thereunder; (ii) attend before all the courts, authorities and entities (as the case may be) for the purposes of disposal of proceedings and implementation of the terms of the FSCA; and (iii) file a true copy of the FSCA before all the courts and authorities and seek a disposal of the proceedings enlisted at Annexure '1' of the FSCA, in terms of the FSCA and this order. Both the Appellant and Respondent No.1 hereby agree and undertake that all the foregoing and the implementation of the transaction/s recorded in the FSCA shall be completed within the period mentioned in the FSCA. All the representations, statements and undertakings given by the Appellant and Respondent No.1 in the FSCA, are hereby treated as undertakings given to this Court”.

3. Liberty to apply.
4. There shall be no order as to costs.
5. In view of the Minutes of Order, Appeal from Order is disposed of.
6. In view of the disposal of Appeal from Order, nothing survives in the Civil Application and the same is disposed of as such.

(MRIDULA BHATKAR, J.)