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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 27266 OF 2017

Manoj Brijlal Kapoor

....Petitioner

Vs.

Khandelwal Laboratories Pvt. Ltd. And oRs.Respondents

Mr. A.Y. Bookwala, Senior Counsel along with Ms. M.A. Bookwala -Shetty and Mr. Abbas Zaidy i/b. Zohair & Co. for the Petitioner

Mr. Dipen Merchant, Senior Counsel a/w. Vaibhav Bajpai a/w. S.

Samdani I/b. G.S. Manasawala for Respondent No.1

Mr. Chandansingh Shekhawat i/b. ALMT Legal for Respondent Nos. 2, 3 and 7

Mr. R.S. Raymond a/w. Prathamesh Ayare i/b. Raymand & Co. for Respondent No.6

CORAM: M.S.SANKLECHA, J.

DATE : 27th SEPTEMBER, 2017.

P.C:-

1. The Petitioner has moved for urgent reliefs. Mr. Bookwala, learned Senior Counsel states that all the Respondents have been served.
2. Mr. Raymond, learned counsel appearing for Respondent No.6 and Mr. Shekhawat, learned counsel appearing for Respondent Nos.2,3 and 7 undertake to file their vakalatama upto 29th September, 2017.

3. This Petition challenges the order dated 24th August, 2017 passed by the City Civil Court, Mumbai. By the impugned order dated 24th August, 2017, the Petitioner's (Original Defendant No.5) notice of motion seeking permission to lead his evidence and also the prayer that without prejudice consent terms entered into between Respondent No.1 (Original Plaintiffs) and Respondents Nos.2,3 and 7 (Original Defendant Nos. 1,2 and 7) should not be taken as record, was rejected.

4. After the matter was argued for some time, the parties in the present proceedings have worked out an interim arrangement till final disposal of the suit by the City Civil Court. The interim arrangement worked out between the parties, as recorded by them and tendered across the bar reads as under:

“1. Respondent No.1 will not move the Court Receiver for taking possession of Flat Nos. 501 and 5092 in the building Classique along with the two garages in the said building till the disposal of the suit.

2. Respondent No.1 shall be permitted to withdraw the Fixed Deposits & Royalty invested by the Court Receiver with accrued interest which amounts have been deposited by Defendants. Respondent No.1 undertakes to bring back the aforesaid amounts to the extent ordered.

3. Respondent No.1 will not move the Court Receiver for taking possession of Unit No. 417 in Creating Industrial Estate, Lower Parel till the disposal of suit.
4. The Hon'ble City Civil Court shall hear the Notice of Motion 2919 of 2017 in respect of prayer (a), for leading evidence. And the hear all pending applications filed by the present Petitioner and the same shall be decided on their own merits.
5. The aforesaid interim arrangement has been signed by the Petitioner, Respondent Nos. 1 and 6 and advocates for Respondent nos.1,3 and 7 (Original Defendant Nos. 1,2 and 7).
6. The aforesaid interim arrangement arrived at between the parties is taken on record and marked as "X" for identification.
7. In view of the above, the parties state that nothing survives in the petition. Petition stands disposed of in terms of the aforesaid interim arrangement.

(M. S. SANKLECHA,J.)