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

**APPEAL FROM ORDER (ST) NO. 34854 OF 2016
WITH
CIVIL APPLICATION (ST) NO. 34857 OF 2016
IN
APPEAL FROM ORDER (ST) NO. 34854 OF 2016**

Anil Shreeratan Bajaj & Anr. ...Appellants
vs
Shreeratan Mahadeolal Bajaj ...Respondent

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Mr P.M.Shah for the applicants/appellants.
Mr Jahangir Altaf Khan for the Respondent.
Appellant present in court.
Alkarani, daughter of Respondent present in court.

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**CORAM : M. S. SONAK, J.
27 FEBRUARY, 2017**

P.C. :

Learned counsel for parties handed over consent terms.
The consent terms are taken on record and marked "X" for
identification.

2 The consent terms have been signed by both appellants,
who are present in the Court. They state that they consent for import
of assets thereof. The consent terms are also been signed by
Shreeratan Bajaj, who is aged person and was earlier present before
the Court. Looking to his medical condition, liberty was granted to
obtain his signature before the Notary Public. Accordingly, Shreeratan

Bajaj has signed these consent terms before the Notary Public on 27th February, 2017. Such signature has been witnessed by Alkarani Agarwal, who is daughter of Shreeratan Bajaj. This daughter Alkarani Agarwal, is also present in the Court and she confirms that Shreeratan Bajaj has signed these consent terms before the Notary Public. She also knows signature of Shreeratan Bajaj. Ms Alkarani Agarwal also states that though she is not party to the proceeding, she has only signed the consent terms as a witness. She, too, has understood the import of assets stated in the consent terms.

3 There is no difficulty in accepting the consent terms and disposing of the Appeal, Civil Application and the Suits referred to in the consent terms. However, clause (8) of the consent terms read thus:-

“It is specifically agreed that all the last rites / funeral ceremony of Respondent (original Plaintiff) will be done and performed by daughter Alkarani Agarwal and/or her son Prajyot Alkarani Agarwal. Appellant Anil Bajaj and his family members will not attend Respondents funeral / last rites.”

Insofar as, performance of the last rites by daughter Alkarani or her son Prajyot is concerned, there can be no difficulty. However, the condition that Anil Bajaj and his family members will not even attend Respondent's funeral / last rites, does not seem to be an appropriate clause, particularly when the parties have settled all their differences. Mr Anil Bajaj is the son of Shreeratan Bajaj. It is possible as well as

unfortunate that certain differences developed between the same. However, there is no necessity to carry such differences to this extent. Accordingly, this Court is unable to approve the clause which states that Anil Bajaj and his family members will not even attend Respondent's funeral / last rites.

4 Except to the aforesaid extent, rest of the consent terms are taken on record and accepted to the mutual understanding taken thereto and the same are accepted as an undertaking to this Court. Appeal from Order, Civil Application and the Suit or other litigations referred to in the consent terms to stand disposed of in accordance with the consent terms.

5 The parties are at liberty to place a copy of this order along with the consent terms before the Trial Court, so that, formal orders for disposal of those proceedings can also be obtained.

6 Both parties to act on the authenticated copy of this order.

(M. S. SONAK, J.)