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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

APPEAL (L) NO.87 OF 2017

M/s. Senator Motors Pvt. Ltd and Ors. ... Appellants
Vs.
Tata Capital Financial Services Limited and Anr. ... Respondents

**WITH
APPEAL NO.126 OF 2017**

Tata Capital Financial Services Limited ... Appellant
Vs.
Senator Motors Private Limited and others ... Respondents

Mr. Mayur Khandeparkar a/w Mr. Deepan Dixit i/by MDP & Partners for
the Appellant in APP/126/2017.

Mr. Drupad S. Patil a/w Mr. Akshay Petkar for the Respondent No.5 in
APP/126/2017 & for Respondent No.2 in APPL/87/2017.

Mr. Sanjiv Sawant a/w Mr. Rutu Pawar and Mr. Atul S. Singh i/by
Diwakar R. Singh for the Appellants in APPL/87/2017 and for
Respondent Nos.1 to 4 in APP/126/2017.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 12th APRIL, 2017

PC.

1 The learned counsel appearing for the second respondent
in Appeal (L) No.87 of 2017 and fifth respondent in Appeal No.126 of
2017 states that the said respondent (applicant in Notice of Motion (L)

No.3462 of 2016 in Arbitration Petition No.559 of 2016) has no objection if the impugned order dated 12th January, 2017 is set aside as the said respondent desires to apply for modification of the judgment and order dated 14th October, 2016 in Appeal (L) No.361 and Appeal (L)No. 362 of 2016.

2 In view of the aforesaid statement, we dispose of the Appeals by passing the following order :-

ORDER

- (i) The impugned order dated 12th January, 2017 in Notice of Motion (L) No.3462 of 2016 is hereby set aside;
- (ii) Notice of Motion (L) No.3462 of 2016 is disposed of;
- (iii) We make it clear that no adjudication is made on merits;
- (iv) This order will not prevent the applicant in Notice of Motion (L) No.3462 of 2016 from filing appropriate proceeding seeking modification of the order dated 14th October, 2016 in Appeal (L) No.361 and 362 of 2016;

- (v) We make it clear that all the contentions of the rival parties in the proceedings which may be filed by the said applicant are expressly kept open;
- (vi) The learned counsel appearing for the Appellant in Appeal (L) No.87 of 2017, on instructions, states that for a period of two weeks from today, the Appellants will not move the Court Receiver for appointing them as agents of the Court Receiver in terms of paragraph 8 of order dated 14th October, 2016;
- (vii) Appeals are disposed of on above terms. Pending Notice of Motions do not survive and the same are accordingly disposed of.

(A.K. MENON, J)

(A.S. OKA, J)