

BDPPS

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

**APPEAL (L) NO. 53 OF 2017
IN
ARBITRATION PETITION NO.311 OF 2016**

Priyadarshi Purnanand Automobiles
Pvt. Ltd. & Anr.

..... Appellants.

V/s

Tata Capital Finance Services Ltd.

Mr. Ram Apte, Senior Counsel a/w Mr. Samir A. Vaidya for the
Appellants.

Mr. Mayur Khandeparkar a/w Mr. Nilesh Gala i/b Law Square for the
Respondents.

Dr. M.S. Deshpande, Court Receiver a/w Ms. Kavita Ambekar Iind
Assistant to Court Receiver, present.

**CORAM: V.M. KANADE &
P. R. BORA, JJ.**

DATE: 16th February, 2017

P.C.:-

1] Heard the learned Senior Counsel for the Appellant and the
learned Counsel for the Respondents.

2] Mr. Khandeparkar, the learned Counsel for the Respondents
raised a preliminary objection regarding maintainability of the appeal.

He has raised preliminary objection that appeal against the order passed by the learned Single Judge under section 9 where consent terms were filed by the parties is not maintainable.

3] We have perused the order passed by the learned Single Judge. Before the learned Single Judge, Consent Minutes were filed which were signed by both the parties and the learned Single Judge was pleased to pass the order in terms of Consent Terms. Undertaking given by the parties was also accepted. It is therefore apparent that both the parties had agreed to file the said Consent Terms before the learned Single Judge. In our view, no appeal is maintainable against such order . If the contention of the Appellant is that the said Consent Terms were signed on the basis of fraudulent misrepresentation, the only remedy which is available to the Appellant is to go back to the same Court for seeking clarification .

4] We are therefore not inclined to interfere with the said order passed by the learned Single Judge. Appeal is dismissed. Interim order stands vacated.

(P. R. BORA, J.)

(V. M. KANADE, J.)