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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUIT NO.254 OF 2017

WITH

NOTICE OF MOTION NO.200 OF 2017

IN

COMMERCIAL SUIT NO.254 OF 2017

WITH

CHAMBER SUMMONS (L) NO.105 OF 2017 (NOB)

Eleos Finvestia Acquisition Trust And 2 Ors. ...Plaintiffs

vs.

Prime Securities Ltd. And 15 Ors. ...Defendants

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Mr. Vaibhav Sugdare, a/w. Mr. V. Kamble and Mr. Samsheer Garud, i/b. Jayakar & Partners, for the Plaintiffs.

Mr. Preet Chheda, i/b. DSK Legal, for Defendant Nos. 1, 2 and 16.

Mr. Archan Shah, i/b. Rajani Associates, for Defendant Nos. 3, 4, 6, 14 and 15.

Mr. Sanjay Sinha, for Defendant No.5.

Mr. Vikash Kumar, i/b. Lex Legal & Partners for Defendant No.12.

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CORAM : S.C. GUPTE, J.

DATED : AUGUST 4, 2017

P.C. :

. Learned Counsel for the parties tender Consent Terms duly signed between the Plaintiffs and Defendant No.12 and also their respective Advocates. A settlement agreement dated 1 July 2017 signed inter alia between the Plaintiffs and Defendant Nos. 7 to 13 on 1 July 2017 is also produced alongwith. Learned Counsel states that Defendant Nos. 7, 8, 9,

10, 11 and 13 are promoters of Defendant No.12 and the disputes forming the subject matter of the present suit thus stand duly settled as between the Plaintiffs and the Defendants as well. Learned Counsel submits that the matter, accordingly, stands concluded also as against Defendant Nos. 7, 8, 9, 10, 11 and 13 in terms of the settlement agreement executed between the Plaintiffs and Defendant No.12. The Consent Terms are taken on record, marked "X" for identification. The statements and undertakings contained therein are accepted. Learned Counsel for the Plaintiffs seeks leave to withdraw the suit in view of the Consent Terms with liberty to file a fresh suit against Defendant Nos. 1, 2, 3, 4, 5, 6, 14, 15 and 16.

2. The suit is, accordingly, dismissed as withdrawn with liberty as prayed. No order as to costs. Refund of Court fees in accordance with the applicable rules.

3. In view of the disposal of the suit, the Chamber Summons and the Notice of Motion taken out in the suit do not survive and the same are also disposed of.

(S.C. GUPTE, J.)