

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10478 OF 2017

The Business Co-op. Bank Ltd. and Anr. .. Petitioners

V/s.

Ms.Jaya Simant Prasad Sen Gupta and Ors. .. Respondents

Ms.Trupti Surve i/b Mr.Sahil Mahajan for the petitioner

Mr.V.N.Ajitkumar for the respondent no.1

CORAM: K.K. TATED &
N. J. JAMADAR, JJ.

DATED : OCTOBER 17, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 Advocate for the petitioner and respondent no.1 submits that matter is settled out of court. They tendered minutes dated 17.10.2018. Same is taken on record and marked 'X' for identification which reads thus:

“MINUTES

1. The Petitioners are challenging the impugned order dated 3/5/2017 passed by the Hon'ble DRAT, Mumbai in M.A.No.1002/2015 in Appeal No.39/2013 interalia dismissing the Application on the ground of

service of Application was not effected on other side.

2. The Petitioners through Mrs.Alka Kulthe, has filed an Affidavit-cum-Undertaking dated 17/10/2018 expressed their willingness to pay the costs of Rs.5,000/- to Respondent No.1 and Rs.25,000/- to Library of Hon'ble Bombay High Court within one week.

3. In view of the aforesaid Affidavit-cum-Undertaking of Petitioners, without prejudice to the rights of this Respondent to defend the Application on merits, this Respondent has no objection to set aside the impugned order dated 3/5/2017 passed by the Hon'ble D.R.A.T., subject to service of Miscellaneous Application No.1002/2005 along with list of documents upon this Respondent/Advocate on record within a period of two weeks as well as compliance of order of this Hon'ble Court within the stipulated period.

4. This Respondent No.1 be grant liberty to file Affidavit Reply to the said Misc.Application No.1002/2015. In case of non-compliance of any of the aforesaid conditions by the Petitioners, the above Writ Petition may be dismissed without any further order.

5. In the aforesaid, the above Writ Petition may be disposed off accordingly."

3 Writ Petition stands disposed of in terms of Minutes of Order.

4 No order as to costs.

(N. J. JAMADAR, J)

(K.K. TATED, J.)