

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4720 OF 2015

WITH

WRIT PETITION NO.10766 OF 2014

Mahanagar Telephone Nigam Limited ... Petitioner

Vs.

M/s. Todi Metal Industries ... Respondents

WITH

WRIT PETITION NO.10767 OF 2014

WITH

WRIT PETITION NO.10768 OF 2014

Mahanagar Telephone Nigam Limited ... Petitioner

Vs.

M/s. Todi Exports and Securities Limited ... Respondents

WITH

WRIT PETITION NO.10769 OF 2014

Mahanagar Telephone Nigam Limited ... Petitioner

Vs.

M/s. India Cordage Factory ... Respondents

WITH

WRIT PETITION NO.10770 OF 2014

Mahanagar Telephone Nigam Limited ... Petitioner

Vs.

M/s. Dhanvyawastha Pvt. Ltd. ... Respondents

WITH

WRIT PETITION NO.10771 OF 2014

Mahanagar Telephone Nigam Limited ... Petitioner

Vs.

M/s. Premier (Sarkhej) Spinning Mills Ltd. ... Respondents

Mr. S. V. Marne a/w. Mr. Vishal P. Shirke for Petitioner in all the Petitions.

Ms Sheela R. Rao for Respondents in all the Petitions.

CORAM : R. G. KETKAR, J.

DATE : APRIL 9, 2018

P.C. :

Not on Board. At the joint request of the learned Counsel for the parties, taken up in the production Board.

2. The learned Counsel appearing for the parties have tendered Minutes of Order dated 09.04.2018 duly signed by the parties and their Advocates. The same is taken on record and marked 'A' for identification. Along with the consent terms, authority letter of India Cordage Factory, respondents in W.P.No.10769 of 2014, authorizing its partner Mr. Suresh Todi is annexed. The same is taken on record and marked 'B' for identification. Likewise, Todi Metal Industries and Premier (Sarkhej) Spinning Mills Limited, Todi Exports & Securities Limited, Dhan Vyawastha Private Limited (respondents in companion matters) have authorized Mr. Suresh Todi to finalize consent terms in these proceedings. The said Authority Letters are taken on record and marked 'C colly.' for identification. Mr. Suresh Todi is present in the Court. Photocopy of Aadhar Card of Suresh Todi is also annexed, which is taken on record and marked 'D' for identification. On behalf of MTNL, Mr. S. S. Jagtap, Senior Manager of MTNL is present in the Court. Photocopy of identity card of Mr. S. S. Jagtap is attached. The same is taken on record and marked 'E' for identification. He is authorized by Memorandum dated 17.02.2018 to sign the necessary documents on behalf of MTNL, which is taken on record and marked 'F' for identification.

3. Learned Counsel for the parties submit that by order dated 12.01.2018, Writ Petitions were disposed of. They submit that by consent of the parties, order dated 12.01.2018 may be recalled and the Petitions may be disposed of in terms of the consent terms agreed between the parties. Mr. Marne states submits that petitioners have agreed to abide by the judgment and decrees dated 30.04.2011 passed by the learned Judge, Court Room No.16 of the Court of Small Causes, Mumbai in L. & C. Suits No.270/291 of 2002, 262/283 of 2002, 276/297 of 2002, 267/288 of 2002, 275/296 of 2002, 273/294 of 2002

and 251/272 of 2002. Paragraph 3 of the consent terms records the payments made by the petitioners to the respondents in satisfaction of the decrees dated 30.04.2011. Paragraph 4 records compliance of the decrees passed in various Suits (after deduction of TDS subject to the realization of the cheques) between the parties. It further records that parties shall not make any claim against each other in respect of the subject matter of the Suits and decrees in all matters are marked as satisfied.

4. In view thereof, by consent of the parties, order dated 12.01.2018 is recalled. Writ Petitions are restored to the file of this Court. By consent of the parties, Petitions are disposed of in terms of the minutes of order dated 09.04.2018. Order accordingly.

(R. G. KETKAR, J.)

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