

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

**COMPANY APPLICATION (L.) NO. 4 OF 2018
IN
COMPANY APPEAL NO. 1 OF 2013
IN
COMPANY PETITION NO. 115 OF 2008**

Suraj Chhabria and Ors. .. Applicants

In the matter between :

Suraj Chhabria and Ors. .. Appellants

Vs.

1. Dr. Nandu Chhabria & Ors. .. Respondents

Mr. Nirman Sharma i/b Sachin Chowdhari for applicants/appellants.

Mr. Kartik S. i/b Jacinta D'silva for respondents.

CORAM : K.R.SHRIRAM, J.

DATE : 13TH MARCH 2018

P.C.

1. Shri Sharma appearing for applicants states that parties had settled the matter and therefore this Court may restore the company appeal and dispose the company appeal in terms of the consent terms filed on 1st April 2016.

2. Shri Sharma also states that all the seven signatories to the consent terms, i.e., appellants, viz., Mr. Shyam Chhabria, Mrs. Sonal Chhabria, Mr. Suraj Chhabria, Mr. Sunny Chhabria and for respondent no.3-Inter

Equipments (I) Private Limited, Dr. Nandu Chhabria and Mrs. Bharti Chhabria, are present in Court and the counsel identify them. The counsel further states that in addition to these 7 parties, there are two more, viz., Mr. Sahil Chhabria and Mr. Deepak Chhabria, who are applicant no.3 and respondent no.5, respectively. The counsel also identify these two persons. The counsel also states that though their names do not appear in the consent terms, these two persons are also parties to the consent terms. Mr. Sahil Chhabria and Mr. Deepak Chhabria, who are present in Court and identified by the counsel, confirmed that they are parties to the consent terms and are also bound by the same.

2. In the circumstances, the application is allowed in terms of prayer clauses (a) and (b). The order dated 21st November 2017 is recalled.

3. The company application accordingly stands disposed.

4. By consent, this company appeal No.1 of 2013 along with company application No. 28 of 2013 also stand disposed.

4. Both counsel, on instructions, state that though all parties were to withdraw the legal proceedings after the sale of flat mentioned in 3(c)(d)

of the consent terms, parties have come to an arrangement whereby all parties have decided to withdraw all legal proceedings, as stated in the Annexure 'A' to the consent terms, within two weeks from today. Undertaking accepted.

5. All concerned to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)