

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

**COMPANY APPEAL NO.78 OF 2015
IN
COMPANY PETITION NO.28 OF 2014**

Ramesh D.Shah & Ors.)....Appellants
V/s.
M/s.Tushar Clothing Pvt. Ltd. & Ors.)....Respondents

WITH

**COMPANY APPEAL NO.72 OF 2015
IN
CLB/COMPANY PETITION NO.28 OF 2014
WITH
COMPANY PETITION NO.624 OF 2016**

Mr.Chetan Kapadia a/w Mr.H.K.Sudhakara i/by Prompt Legal for appellants in COAPP No.78 of 2015 and for respondents in COAPP 72 of 2015 and in CP No.624/2016.

Mr.Hitesh C.Soni i/by Hitesh Soni Associates for respondent in COAPP No.78 of 2015 and for appellants/petitioner in COAPP No.72 of 2015 and CP No.624 of 2016.

Mr.Ramesh D.Shah-for appellant nos.1 & 2 in COAPP No.78 of 2015, [Mr.Gajendra Sartanpara-appellant no.3 in COAPP No.78 of 2015 are present].

[Ms.Jayashree Tushar Takkar-director of Respondent no.1 and Mr.Tushar Thakkar-respondent no.2 in COAPP No.78 of 2015 are present].

[Ms.Jayashree Tushar Thakkar-director of 1st confirming party and Mr.Shashi Paul Lakhwara-director of 2nd confirming party present].

**CORAM : K.R.SHRIRAM,J
DATE : 24.4.2018**

P.C.:-

1 Mr.Kapadia for appellants states that the appellants, respondent nos.1 & 2 and two other parties who have signed as

confirming parties as noted below, have entered into consent terms dated 24.4.2018 and have settled all their disputes and by this settlement not only this Company Appeal but Company Appeal No.72 of 2015 and Company Petition No.624 of 2016 also get resolved. Mr.Kapadia also states that respondent nos.3 & 4 are only formal parties and they were ex-employees and seeks leave to delete them from the list of respondents. Mr.Kapadia states that respondent nos.3 & 4 were never represented in the appeal. Statement accepted.

Mr.Soni for respondent nos.1 & 2 has no objection if respondent nos.3 & 4 being struck off.

2 Further as per the consent terms, 2 other parties viz.Tushar Fabrics Private Limited and Etco Digital Private Limited have to be added as parties to this appeal. Therefore, leave to amend the cause title of the appeal to strike off present respondent nos.3 & 4 and to add Tushar Fabrics Private Limited and Etco Digital Private Limited, granted. Amendment to be carried out during the course of today. Amendments to be reverified by the appellants.

3 The consent terms dated 24.4.2018 is taken on record and marked 'X' for identification. Order in terms of the consent terms. All undertakings accepted. Mr.Kapadia and Mr.Hitesh C.Soni state that all

the persons who have signed the consent terms are present in court and identify each one of them.

Appeal accordingly disposed.

**COMPANY APPEAL NO.72 OF 2015
IN
CLB/COMPANY PETITION NO.28 OF 2014
WITH
COMPANY PETITION NO.624 OF 2016**

1 In view of the order passed on 24.4.2018 in Company Appeal No.78 of 2015, this appeal and Company Petition also stand disposed.

(K.R.SHRIRAM,J)