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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO.26 OF 2015
IN
COMMERCIAL SUIT NO.85 OF 2015**

National Spot Exchange Limited ...Plaintiff

vs

Tavishi Enterprises Pvt. Ltd. And 9 Others ...Defendants

**WITH
NOTICE OF MOTION NO.27 OF 2015
IN
COMMERCIAL SUIT NO.85 OF 2015
WITH
NOTICE OF MOTION NO.93 OF 2016
IN
COMMERCIAL SUIT NO.85 OF 2015
WITH
NOTICE OF MOTION NO.92 OF 2016
IN
COMMERCIAL SUIT NO.85 OF 2015
WITH
NOTICE OF MOTION NO.29 OF 2015
IN
COMMERCIAL SUIT NO.85 OF 2015
WITH
NOTICE OF MOTION NO.28 OF 2015
IN
COMMERCIAL SUIT NO.85 OF 2015
WITH
NOTICE OF MOTION NO.105 OF 2015
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.106 OF 2015
IN
COMMERCIAL SUIT NO.80 OF 2015**

WITH
NOTICE OF MOTION NO.337 OF 2016
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.107 OF 2015
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.108 OF 2015
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.109 OF 2015
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.110 OF 2015
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.336 OF 2016
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.338 OF 2016
IN
COMMERCIAL SUIT NO.80 OF 2015
WITH
NOTICE OF MOTION NO.339 OF 2016
IN
COMMERCIAL SUIT NO.80 OF 2015

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Mr. Shashank Trivedi, i/b. Naik Naik & Co., for the Plaintiff in
COMS/80/2015 and COMS/85/2015 and for the Applicant in
NMCD/26/2015.

Mr. Girish Godbole, a/w. Mr. Vijay Singh and Mr. Pushkraj Deshpande,
i/b. Mr. Vinay J. Bhanushali, for Defendant Nos. 1 to 10 in
COMS/85/2015.

Mr. Pradeep Sancheti, Senior Advocate, a/w. Mr. Vijay Singh and Mr. Pushkraj Deshpande, i/b. Mr. Vinay J. Bhanushali, for Defendant Nos 1 to 12 in COMS/80/2015.

Mr. Kevic Setalvad, Senior Advocate, a/w. Mr. Vijay Singh and Mr. Pushkraj Deshpande, i/b. Mr. Vinay J. Bhanushali, for Defendant Nos. 13 to 17 in COMS/80/2015.

Mr. Pradeep Sancheti, Senior Advocate, Mr. Vishal Maheshwari, i/b. VM Legal, for Defendant Nos. 1 to 4 in S/432-2015.

Ms. Ursula Misquitta, i/b. Raval Shah & Co., for the Applicant in CHS/358/2017.

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CORAM : S.C. GUPTA, J.

DATED: 1 NOVEMBER, 2018

P.C. :

. Notice of Motion No.26 of 2015 is taken out in a suit, where, as of date, it is an admitted position that there is a conciliation award. A settlement agreement between the parties arrived at under Section 73 of the Arbitration and Conciliation Act has been signed by the parties and authenticated by the conciliator. The agreement has an effect of an arbitral award. Since the controversy in the present suit has thus been adjudicated upon and disposed of in terms of the settlement agreement, it is agreed between learned Counsel for all parties that the present suit does not survive and may be disposed of; instead the Plaintiff may be permitted to apply for execution of the settlement agreement as an arbitral award. All rights and contentions on merits of the execution, including compliance with any pre-condition for execution, are kept open. Commercial Suit Nos. 80 of 2015 and 85 of 2015 stand disposed of accordingly.

2. Since Commercial Suit No.85 of 2015 is disposed of, the interlocutory proceedings therein, namely, Notices of Motion Nos. 27 of 2015, 93 of 2016, 92 of 2016, 29 of 2015 and 28 of 2015 also stand disposed of. So also, since Commercial Suit No. 80 of 2015 is disposed of, the notices of motion taken out therein do not survive. Accordingly, Notices of Motion Nos.105 of 2015, 106 of 2015, 337 of 2016, 107 of 2015, 108 of 2015, 109 of 2015, 110 of 2015, 336 of 2016, 338 of 2016, 107 of 2015 and 339 of 2016 stand disposed of.

(S.C. GUPTE, J.)