

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

SUIT NO.184 OF 2014

ALONG WITH

INTERIM APPLICATION (LODGING) NO.4679 OF 2020

Suraiya Abdul Majid Khan ...Applicant-Plaintiff

V/s.

Mohamed Umer Abdul Majid Khan and Ors. ...Defendants

Mr. Nirman Sharma, with Mr. Anand Pai, Mr. T.S. Tijoriwala and Mr. Rutvij Solanki, i/by Dinaz Mistry, for the Applicant-Original Plaintiff.

Mr. Shailesh Poria, i/by Economic Laws Practice, for Defendant No.1.

Mr. Javed Akhtar Khan, with Mr. Shabbir Morbiwalla, for Defendant Nos.2 to 8.

Dr. Pradeep Kumar L. Pardeshi for Defendant Nos.9 to 12.

CORAM : A. K. MENON, J.

DATED : 26TH OCTOBER, 2020.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. On 21st October 2020, all parties, except defendant no.1, were represented. One Shabbir Morbiwalla, who is said to have been authorized by the trust though present on that day, there was no specific resolution authorizing him to attend to this suit.

2. Today, Mr. Sharma states that the notice of the suit being settled has been served upon defendant no.1. Mr. Sharma states that he has instructions to withdraw the suit against defendant no.1. Defendant no.1 is represented by Mr. Poria. Mr. Poria states that he has no objection to the suit being withdrawn since he is not party to the consent terms.

3. Mr. Khan states that Mr. S. Morbiwalla, who is a trustee and defendant no.7, has been duly authorized by a resolution dated 22nd October 2020. True copy of the resolution certified by the trustees is presently sent to the registry by e-mail. Mr. Khan states that the hard-copy of the said resolution will be submitted to the registry during this week.

4. Accordingly, I pass the following order :-

- (i) Suit as against defendant nos.2 to 12 stands decreed in terms of the consent terms.
- (ii) Undertakings, if any, given in the consent terms are accepted.
- (iii) Suit against defendant no.1 is dismissed as withdrawn.
- (iv) Interim Application (Lodging) No.4679 of 2020 is wrongly on board since the same has already been disposed by order dated 19th October 2020.
- (v) Other interlocutory applications, if any, also stand disposed.
- (vi) Refund if any as per rules.

5. All concerned to act on a copy of this order digitally signed by the Private Secretary of the court.

(A.K. MENON, J.)

Sneha
A. Dixit

Digitally signed
by Sneha A. Dixit
Date: 2020.10.27
15:39:34 +0530