

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 368 OF 2021
WITH
INTERIM APPLICATION NO. 3124 OF 2021**

Catalyst Trusteeship Limited ... Appellant
V/s.
Shobha Rasiklal Dhariwal & Ors. ... Respondents

**WITH
APPEAL FROM ORDER NO. 369 OF 2021
WITH
INTERIM APPLICATION NO. 3125 OF 2021**

Sky One Corporate Park LLP & Anr. ... Appellants
V/s.
Shobha Rasiklal Dhariwal & Ors. ... Respondents

Dr.Birendra Saraf, Senior Advocate a/w. Mr.Rajiv Carvalho, Mr.Sachin Chandarana & Ms.Rajvi Mehta i/b. Manilal Kher Ambalal & Co. for Appellant in AO/368/2021.

Mr.R.D. Soni a/w. Mr.VR. Kasle i/b. Ram & Co. for Appellants in AO/369/2021 and for Respondent No.3 in AO/368/2021.

Mr.Vishwajit Sawant, Senior Advocate a/w. Mr.Aniket Nikam, Mr.Prabhakar Jadhav and Mr.Nikhil Patil i/b. Mr. Ashish Pawar for Respondent Nos.1 & 2 in both matters.

CORAM : A.S. GADKARI, J.
DATE : 23rd December 2021.

PC. :

1. Heard learned counsel for the respective parties.
2. Mr.Soni, learned counsel appearing for Respondent No.3 in AO/368/2021 and for Appellant in AO/369/2021 (Original Defendant No.1),

on instructions, submitted that, the Defendant Nos.1, 1A and 1B have settled the present matter amicably with the Original Plaintiff Nos.1 and 2 and have executed 'Consent Terms' dated 22nd December 2021.

A copy of 'Consent Terms' dated 22nd December 2021, signed by Plaintiff Nos.1 & 2 and authorized representative of Defendant No.1, 1A & 1B, is tendered across the bar. Their signatures have been duly identified by their respective Advocates. The same is taken on record and marked 'X' for identification. The said 'Consent Terms' are to be filed before the Trial Court i.e. in the Court of Civil Judge Senior Division at Pune, seized of Special Civil Suit No. 1084 of 2021. The statements and undertakings mentioned in the said Consent Terms are accepted as undertakings given before this Court also.

He further, on instructions, submitted that, in pursuance of the Consent Terms dated 22nd December 2021, the plaintiffs will withdraw the said Special Civil Suit No. 1084 of 2021 from the file of Civil Judge Senior Division, Pune in any case within a period of one week from today. The said statement is accepted.

3. Mr.Sawant, learned counsel appearing for Respondent Nos.1 and 2, i.e. Original Plaintiffs, on instructions, submitted that, the said Consent Terms will be presented before the Trial Court in any case within a period of one week from today. He produced on record an application dated 22nd December 2021 signed by the Respondent Nos.1 & 2/Original Plaintiff Nos.1

& 2 and a Pursis of even date for unconditional withdrawal of the said Suit i.e. Special Civil Suit No. 1084 of 2021. A copy of the said application and Pursis is also taken on record.

4. In view of the settlement arrived at between the Original Plaintiffs and Original Defendant Nos.1, 1A & 1B, the impugned Order dated 24th September 2021 passed below Exh.5 in Special Civil Suit No. 1084 of 2021 is quashed and set-aside.

5. The learned Judge seized of Special Civil Suit No. 1084 of 2021 is requested to accept the said Consent Terms along with the said Application and Pursis dated 22nd December 2021 to be filed by the Plaintiffs for unconditional withdrawal of the said Suit and pass necessary Orders on it.

Learned Trial Court is further requested to consider the contents of the present Order while passing necessary Orders as noted above for its statistical purpose.

6. Both the Appeals are disposed off in the aforesaid terms.

7. In view of disposal of both the Appeals, Interim Application Nos.3124 of 2021 and 3125 of 2021 filed therein do not survive and are accordingly disposed off.

[A.S. GADKARI, J.]