

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

COMM SUMMARY SUIT NO. 49 OF 2014

Itochu India Private Ltd. ...Plaintiff
Versus
Narendra Plastic Private Ltd. ...Defendant

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
KULKARNI
Date: 2021.10.30
19:00:10 +0530

Mr. Aditya Mehta, a/w Mr. Pritvish Shetty, Ms. Saloni Jain, i/
b Cyril Amarchand Mangalda, for the Plaintiff.
Mr. Kentaro Takeda, Authorised Representative of the Plaintiff,
present.
Ms. Jyoti Sinha, a/w Raj Panchmatia, C. Nageshwaran, i/b
Khaitan & Co., for the Defendant.
Mr. Neemit Punamiya, Managing Director, of Defendant no.1,
present.

CORAM: N. J. JAMADAR, J.

DATED : 29th OCTOBER, 2021

PC:-

1. Heard the learned Counsels for the parties.
2. The draft amendment is tendered to implead Mr. Neemit Punamiya, the Managing Director of defendant no.1.
3. Ms. Sinha, the learned Counsel, submits that she has instructions to appear on behalf of Mr. Neemit Punamiya, the proposed defendant no.2. Ms. Sinha submits that proposed defendant no.2, in view of the settlement arrived at between the parties, has no objection to implead him as a party defendant.
4. The amendment in terms of the draft amendment is allowed.

5. The plaintiff is permitted to implead Mr. Neemit Punamiya as defendant no.2.
6. The necessary amendment be carried out forthwith.
7. Ms. Sinha, the learned Counsel, waives writ of summons on behalf of defendant no.2 – Mr. Neemit Punamiya, who is present in Court, and undertakes to file Vakalatnama during the course of the day.
8. The learned Counsels for the plaintiff and defendant nos.1 and 2 make a joint statement that the plaintiff and the defendants have tendered the Consent Terms. The plaintiff's representative and Managing Director of defendant no.1, are present in the Court. They admit the contents of the Consent Terms and the execution thereof. Mr. Neemit Punamiya – defendant no.2 admits the contents of the Consent Terms in his individual capacity as well. The parties are identified by their respective Counsels. On being inquired, the plaintiff - Mr. Kentaro Takeda and defendant no.2 - Mr. Neemit Punamiya specifically submit that they are agreeable to the terms, as recorded in the Consent Terms, and agree to abide by those terms.
9. The Consent Terms are taken on record and marked 'X'.
10. The suit, thus, stands decreed in accordance with the Consent Terms.

11. The Consent Terms shall form part and parcel of the decree.
12. Drawn up decree dispensed with.
13. In view of the disposal of the suit, all pending applications stand disposed of and/or vacated.
14. The parties to bear their respective costs.
15. Court fee be refunded as per the Rules.
16. Parties to act on an authenticated copy of this order.
17. Certified copy expedited.
18. The learned Counsels for the parties jointly submit that the Consent Terms may not be uploaded on the website in view of the confidentiality in respect of certain clauses. The Consent Terms not to be uploaded.

[N. J. JAMADAR, J.]