

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

**COMMERCIAL SUIT NO.159 OF 2017
WITH
NOTICE OF MOTION NO.174 OF 2017
WITH
NOTICE OF MOTION NO.353 OF 2018
WITH
NOTICE OF MOTION NO.565 OF 2018**

Axis Bank Limited .. Plaintiff
v/s.
Mira Gehani & Ors. .. Defendants

**WITH
COUNTER CLAIM NO.3 OF 2020**

Sham Maghnani Bai & Anr. .. Plaintiffs
v/s.
Axis Bank Limited & Ors. .. Defendants

**WITH
COUNTER CLAIM (L) NO.476 OF 2017**

Ravi R. Gehani & Ors. .. Plaintiffs
v/s.
Axis Bank Limited & Ors. .. Defendants

Mr. Samit Shukla & Shivani Khanwilkar i/b. DSK Legal for the plaintiff.

Mr. Vishesh Malviya a/w Ms. Sanaea Laskari i/b. Rashmikant & Partners for defendant no.1.

Mr. Vyom Shah a/w Anagh Pradhan i/b. Divya Shah Associates for the defendant nos.2(A) and (B) in COMS/159/2017 and for the plaintiffs in CC/3/2020.

Mr. Mahendra Ghelani a/w Nishit Patel i/b. Law Charter for defendant nos.5(A), 5(B), 7(A), 7(B) and 8.

CORAM : A. K. MENON, J.

DATED : 2ND JULY, 2021.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. On 30th June, 2021 plaintiff was permitted to amend the plaint and counter claim. Amendment had not been carried out since the draft amendment tendered had certain inaccuracies. The learned counsel for the plaintiff has therefore circulated a fresh draft of proposed amendment today.
2. The learned counsel for the parties seek that the consent terms be taken on file and suit and counter claims be disposed. By virtue of order dated 30th June, 2021 presence of some of the parties have already been dispensed with. Today the proposed defendant

nos. 5(A) and 5(B) are present. Defendant nos.5(A) and 5(B) are identified by their Advocates. They confirm having executed the consent terms dated 1st April, 2021.

3. In view of the above, I pass the following order;

(I) Time to file vakalatnama on behalf of defendant nos.5(A) and 5(B) is extended till 3rd July, 2021.

(ii) By consent, amendment tendered today and marked “Y” for identification is permitted. Amendment to be carried out forthwith.

(iii) Subject to amendment of the cause title in the consent terms, Suit and Counter Claim (L)no.476 of 2017 and Counter Claim no.3 of 2020 are disposed in terms of the consent terms. However, it is made clear that all objections in the Counter Claim shall be complied within two weeks from today.

(iv) All interim applications are also disposed.

(v) Refund, if any, in the suit and in the counter claim is allowed per rules.

(vi) This order is to be uploaded after amendment is carried out.

(A. K. MENON, J.)