

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 785 OF 2020
IN
CHAMBER SUMMONS NO. 1362 OF 2018
IN
COMMERCIAL EXECUTION APPLICATION NO. 248 OF 2019

Dinshah Darabshah Kerawalla Trust	...	Applicants
and Ors		
<u>In the matter between</u>		
Ravindranath R. Shetty	...	Judgment Creditor
vs.		
Shiv-Sneha Association and 2 Ors.	...	Judgment Debtors
and		
Sheriff of Mumbai & Anr.	...	Respondents

Mr.H. N. Vakil a/w. Ms. Suzan Vakil i/b. M/s. Mulla & Mulla & CBC for the Applicants.

Mr. Sanjay Jain a/w. Mr. Ishwar Nankani, Mr. Huzefa Khokhawala and Ms. Gauri Memon i/b. M/s. Nankani & Associates for the Judgment Creditor.

CORAM : A. K. MENON, J.
DATED : 14th JULY, 2021.
[THROUGH VIDEO CONFERENCE]

P.C. :

1. Called for filing consent terms. Mr. Vakil on behalf of the applicant and Mr. Nankani on behalf of the judgment creditor state that as between their respective clients they have arrived at a workable settlement. They have tendered consent terms. On behalf of the applicant the signatories are all

said to have executed the terms dated 4th June, 2021 in the presence of Mr. Vakil, partner of the Advocates firm for the applicant. Mr. Nankani identifies signatories on behalf of the plaintiff and confirms executing consent terms. Accordingly, I pass the following order :

- (i) There will be an order in terms of the consent terms which is taken on record and marked 'X' for identification.
- (ii) Interim Application no. 785 of 2020 is disposed in the above terms.

Commercial Execution Application No. 248 OF 2019

1. Having disposed the above Interim Application No. 785 of 2020 Mr. Nankani states that he has instructions to withdraw this Execution Application. Mr. Nankani states that notice has been served to the Advocates for the defendants. He undertakes to file affidavit of service. Mr. Nankani therefore seeks leave to withdraw the Execution Application itself. In view thereof I pass the following order :

- (i) On the application of the judgment creditor Execution Application No. 248 of 2019 is allowed to be withdrawn.
- (ii) Affidavit of service to be filed on or before 16th July, 2021

(iii) Sheriff is discharged subject to payment of costs, charges and expenses payable, if any. Mr. Nankani undertakes to ensure that payment is made within one week from date of uploading the order.

(iv) In view of the disposal of the Execution Application, Chamber Summons no. 1362 of 2018 also stands disposed.

(v) All interim orders stand vacated.

(A. K. MENON, J.)