

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

SUIT NO.1443 OF 2009

WITH

NOTICE OF MOTION NO.704 OF 2016

WITH

NOTICE OF MOTION NO.2094 OF 2009

Rajkumari Kumar Asrani .. Plaintiff

v/s.

Kishandas (Kishore) B. Nagpal & Ors. .. Defendants

Mr. Nilesh Modi i/b. Rustamji & Ginwala for the plaintiff.

Ms. Tanmayee Salekar for defendant nos.1A and 6.

Ms. Anita Pandey i/b. Fortis India Las for defendant nos.4 & 5.

Mr. Bharat Jain i/b. IC Legal for defendant nos.3 & 7A to 7C.

CORAM : A. K. MENON, J.

DATED : 23RD SEPTEMBER 2021.

P.C. :

1. Mr. Modi on behalf of the plaintiff tenders Minutes whereby Mrs. Nancy Nagpal is added as defendant no.1A in place of defendant no.1 who is said to have expired on 12th December, 2019. The Minutes are also signed by the other defendants viz. Defendant

nos.3, 4, 5, 6, 7A, 7B, 7C. Defendant no.8 is also said to have expired.

2. The learned counsel for the parties have tendered consent terms dated 17th August, 2021. It is signed by the plaintiff and defendant nos.1A, 3, 4 to 6 and 7A, 7B 7C. They state that the parties have arrived at a settlement as recorded in the consent terms.
3. The signatories to the consent terms have appeared on Video Conference today and have identified the consent terms as having been signed by them. The signatories are duly identified by the respective Advocates who are present in person in court. They have counter signed the consent terms.
4. At the request of the learned counsel for the parties, consent terms are taken on record. However, it is made clear that the court has not examined the contentions of the respective parties in these consent terms.
5. Mr. Vinod Agarwal who was appointed as Administrator in respect of the suit property on 22nd January, 2018 is also present on this Video Conference hearing. Since the parties have sought discharge of the Administrator, the Administrator has on a query from the court submitted that no report has been filed yet since

the parties were discussing the settlement and he has no objection to be discharged as Administrator.

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

(i) Amendment shall be carried out forthwith. Re-verification is dispensed with.

(ii) There will be an order in terms of Minutes of even date.

(iii) Mr. Vinod Agarwal is discharged as Administrator.

(iv) Suit is disposed in the above terms.

(v) In view of the disposal of the suit, all pending Motions and Interim Applications stand dismissed.

(A. K. MENON, J.)