

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1097 OF 2015**

Sunil Kishan Lal Soi (HUF) & Ors ...Plaintiffs
Versus
Shirish Girish Dikshit & Ors ...Defendants

**WITH
INTERIM APPLICATION (L) NO. 15900 OF 2021
IN
SUIT NO. 1097 OF 2015**

**WITH
INTERIM APPLICATION (L) NO. 15260 OF 2021
IN
SUIT NO. 1097 OF 2015**

**WITH
INTERIM APPLICATION NO. 1423 OF 2021
IN
SUIT NO. 1097 OF 2015**

**WITH
NOTICE OF MOTION NO. 2185 OF 2015
IN
SUIT NO. 1097 OF 2015**

**WITH
CHAMBER SUMMONS NO. 921 OF 2018**

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IN
SUIT NO. 1097 OF 2015
WITH
NOTICE OF MOTION NO. 3020 OF 2016
IN
SUIT NO.1097 OF 2015
WITH
CHAMBER SUMMONS NO. 167 OF 2019
IN
SUIT NO.1097 OF 2015
WITH
INTERIM APPLICATION NO. 1497 OF 2019
IN
SUIT NO. 1097 OF 2015
WITH
NOTICE OF MOTION NO. 876 OF 2016
IN
SUIT NO. 1097 OF 2015
WITH
NOTICE OF MOTION NO. 1526 OF 2017
IN
SUIT NO. 1097 OF 2015

Ms Saakshi Saboo, *i/b Raval-Shah & Co, for the Plaintiffs.*
Mrs Veena C Khatri, *for Defendants Nos. 1 to 3.*
Mr Rohaan Cama, *with Ishwar Nankani and Huzefa Khokhawala,*

i/b Nankani & Associates, for Defendants Nos. 4 to 23.
Mr JK Shah, with Archit Manurkar, Defendant No.25.
Mr S Amre, for the Intervenor.

CORAM: G.S. PATEL, J
DATED: 5th August 2021

PC:-

1. This is further to the order of 16th July 2021. Paragraphs 2, 3 and 4 of the order read thus:

“2. Consent Terms were drawn up between the parties sometime in October 2020. On 30th March 2021, there was an order of this Court requiring the Prothonotary & Senior Master to designate an officer to verify the identity of the parties and the execution of the Consent Terms. Ms Swati Tari has done this exercise. She has prepared a report. For most of the Plaintiffs, she has verified their identities. There are others who passed away, some after signing the Consent Terms. There are also some who had passed away, but whose heirs signed the Consent Terms. There are three sets of heirs of deceased Plaintiffs who are yet to sign the Consent Terms. At this stage, therefore, I allow all applications for amendment, without need of reverification. Those amendments are to be carried out on or before 26th July 2021. The remaining signatures, including of the newly added parties, are to be obtained by 2nd August 2021. There will be no need for further verification by a Court Officer, provided that the Advocate on record for the Plaintiff files a short Affidavit confirming that the Advocate has personally satisfied himself or herself about the identity of these new signatories.

3. The matter will be listed on 6th August 2021 for final orders on the Consent Terms.

4. The Applicant has filed Suit (L) No. 10038 of 2021. Any order in terms of the Consent Terms will be without prejudice to his rights and contentions in this fresh Suit.”
2. I am told that all the amendments have been carried out and the necessary signatures have been obtained. There is already an Affidavit by the Advocate for the Plaintiff as directed in paragraph 4 of the earlier order.
3. Accordingly, the Suit is disposed of with an order in terms of the Consent Terms. These Consent Terms are taken on record and marked “X” for identification with today’s date.
4. The undertakings in the Consent Terms are accepted as undertakings to the Court.
5. Parties agree that the Receiver is to stand discharged without passing accounts but on payment of his costs, charges and expenses by the Plaintiffs within three weeks from today.
6. In Clause 23(d) of the Consent Terms there is a blank after the word ‘schedule’. This is a typographical error. In fact, there is only one schedule. This is noted.
7. Liberty to the parties to lodge a certified or authenticated copy of the Consent Terms as also a certified or authenticated copy of this order with the Sub-Registrar of Assurances or the Collector of Stamps or both as required.

8. Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.
9. All interim and ad-interim orders stand vacated.
10. All pending Interim Applications are disposed of as infructuous.
11. A soft copy of the Consent Terms will be uploaded as the second order in the matter.
12. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production of an ordinary copy of this order.

(G. S. PATEL, J)