

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11776 OF 2013

Pratapsinh Shoorji Vallabhdas and Ors. .. Petitioners
 Versus
 Maharashtra Steel Rolling Mills Pvt. Ltd. .. Respondent

WITH
 INTERIM APPLICATION NO. 20515 OF 2022
 IN
WRIT PETITION NO. 11776 OF 2013

Dilipsinh Shoorji Vallabhdas and Ors. .. Applicants
In the matter of

Pratapsinh Shoorji Vallabhdas and Ors. .. Petitioners
 Versus
 Maharashtra Steel Rolling Mills Pvt. Ltd. .. Respondent

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- Mr. Shailesh Poria i/by Mr. Vivek P. Kakade for Petitioners
 - Mr. Augshuman Chalila i/by Universal Legal for Respondent No.1
 - Ms. Nilima Chavan for Respondent No.2
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 20, 2022.

P.C.:

1. On 06.12.2022, this Court passed the following order:

“1. Heard learned Advocates for the respective parties.

2. In this group of proceedings, the original Writ Petition No. 11776 of 2013 has been compromised and settled between the parties by virtue of consent terms filed in the month of October-2022.

3. Mr. Poria submitted that the consent terms have been kept in escrow for compliances to be carried out by the parties.

4. In view of the above, a joint request is made by learned

Advocates today that Civil Application No. 101 of 2022 can be allowed to be withdrawn. However before passing any order it is informed that Petitioner No.1 and Petitioner No.3 have both expired on 06.05.2017 and 14.08.2019 during the interregnum.

5. Interim Application No. 20512 of 2022 is filed for bringing legal heirs of Petitioner No.1 whereas Interim Application No. 20513 of 2022 is filed for bringing legal heirs of Petitioner No. 3 on record. Admittedly, there is a delay of 1985 days and 1155 days in preferring the said Interim Applications.

5.1. Perused the Interim Applications. For the reasons mentioned therein delay stands condoned and applications are allowed and disposed of in terms of prayer clause (b) in both the Interim Applications which read thus:

5.2. Prayer clause (b) of Interim Application No. 20512 of 2022 read as under:

“(b) that this Hon’ble Court be pleased to condone the delay of 1985 days in filing of the present Interim Application.”

5.3. Prayer clause (b) of Interim Application No. 20513 of 2022 reads as under:

“(b) that this Hon’ble Court be pleased to condone the delay of 1155 days in filing of the present Interim Application.”

5.4. In view of the above, necessary amendment shall be carried out within a period of one week from today.

5.5. Re-verification is dispensed with.

6. Subject to carrying out the above amendment, Civil Application No. 101 of 2022 is allowed to be withdrawn and disposed of.

7. Interim Application No. 20514 of 2022 is seeking impleadment of the Applicant company in the present Writ Petition as Respondent No.2. It is informed that the Applicant company is a signatory to consent terms.

7.1. In that view of the matter, Interim Application No. 20514 of 2022 for impleadment is allowed in terms of prayer clauses (c) and (d) which reads as under:

“(c) that this Hon’ble Court be pleased to permit the Applicant to be jointed as Respondent No.2 to the present Petition;

(d) that the Petitioners herein be directed to amend the captioned Petition in terms of the Schedule-1 attached hereto;"

7.2. Amendment to be carried out within a period of one week from today.

7.3 Re-verification is dispensed with.

8. In so far as I.A. No. 20515 of 2022 is concerned, the same is filed for seeking injunction by the concerned parties in Writ Petition No. 11776 of 2013.

8.1. Learned Advocates jointly request the Court that true copy of the consent terms will have to be placed on record for seeking disposal of W.P. 11776 of 2013 and the above Interim Applications since at present the said consent terms are kept in escrow, they request that the Writ Petition be adjourned.

*9. At their request, stand over to **20th December, 2022.**"*

2. Consent Terms have been signed by Petitioner Nos. 1.1, 1.2, 1.3, 2, 3.1, 4, 5, 6 and 7; Respondent No.1 and 2. They are taken on record and marked "X" for identification. Undertakings mentioned in the Consent Terms are taken as Undertaking given to the Court.

3. Petitioner No. 1.1 is the constituted Power of Attorney for Petitioner Nos. 1.2 and 2 and hence, he has signed Consent Terms for self and on their behalf.

4. Similarly, Petitioner No.5 is the constituted Power of Attorney for Petitioner Nos. 4, 6 and 7 and he has signed the Consent Terms for self and on their behalf.

5. Parties who have executed the Consent Terms are present in Court and confirm the instructions given to the Advocate to draw up Consent Terms and also confirm their signatures.

6. Decree be drawn accordingly to the Consent Terms.
7. Writ Petition No. 11776 of 2013 stands disposed in the above terms.
8. In view of the disposal of Writ Petition, Interim Application No. 20515 of 2022 is disposed of.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
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