

Arjun

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***LETTERS PATENT APPEAL NO. 160 OF 2000
IN
FIRST APPEAL NO. 995 OF 1984***

Ghanshyam @ Ghano Hashmatrai ...Applicants
Daryani & Ors.

Versus

Preetam @ Pahlaj Harchandrai Sippy & Ors. ...Respondents

Ms. R. C. Nichani, Advocate for the Appellants.

Mr. Prem Gidwani a/w Ms. Srushti Thorat for the Repondents.

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.**

DATED : 27th APRIL 2022

P.C. :-

1. Heard learned counsel for the parties.
2. At the outset, learned counsel for the Appellants and learned counsel for the Respondent Nos. 3 and 4 tender a joint Application. The Application is signed by the learned counsel for the Appellant as well as learned counsel for the Respondent Nos. 3 and 4. By the said Application,

they seek deletion of the name of Respondent Nos. 1 and 2 from the array of Respondents. Since the Appellate No. 1(a) – Neeta Preetam Sippy, Respondent No. 3 – Deepak Preetam Sippy and Respondent No. 4 – Geeta Bipin Mandevia are the only legal heirs of the Respondent No. 1 and 2, there is no impediment in allowing the said request. Accordingly, we grant leave to amend. Amendment to be carried out forthwith.

3. The aforesaid Appeal was admitted by this Court vide order dated 27th November 2000. Pending the aforesaid LPA, interim relief was granted to the effect, that the parties shall maintain the status-quo till the disposal of the said LPA.

4. Today, learned counsel for the Appellant No. 1(a) – Neeta Preetam Sippy & Respondent Nos. 3 – Deepak Preetam Sippy and Respondent No. 4 – Geeta Bipin Mandevia have tendered minutes of the consent terms. The said minutes of the consent terms dated 22nd April, 2022 are signed by the respective parties as well as their Advocates. The said minutes of the consent terms read as under:

1. Appellant No.1(a) is the real sister of Respondent Nos. 3 and 4 and they are the only heirs and legal representatives of

Preetam and Indra Sippy (both deceased). Respondent No. 3 Deepak Preetam Sippy and Respondent No.4 Geeta Bipin Mandevia agree and undertake to this Hon'ble Court that they have no objection in respect of suit Office premises No.11/02 in Building No. 3 of Navjeevan Co-operative Housing Society Limited at Lamington Road, Mumbai 400 008 be and are transmitted in favour of Appellant No. 1 (a) Neeta Preetam Sippy upon Execution and the passing of the Order in terms of these Consent terms.

2. Appellant No. 1 (a) Neeta Preetam Sippy agrees and undertakes to this Hon'ble Court that she has no objection in respect of Suit Flat No. 12 in Building No. 6 of Navjeegan Co-operative Housing Society Limited at Lamington Road, Mumbai 400 008 being transmitted to Respondent No. 3 Deepak Preetam Sippy upon Execution and passing of the Order in terms of these Consent terms.

3. Appellant No. 1 (a) Neeta Preetam Sippy, Respondent No. 3 Deepak Preetam Sippy and Respondent No. 4 Geeta Bipin Mandevia agree and undertake to execute all the necessary documents as may be required by the Navjeevan Co-operative Housing Society Limited at Laminagton Road, Mumbai 400 008 to effectively admit Appellant No. 1 (a) Neeta Preetam Sippy as a member of the society in respect of Office premises 11/02 in Building No. 3 and Respondent No. 3 Deepak Preetam Sippy as a member of the society in respect of Flat No./12 in Building No. 6.

4. Respondent No. 3 Deepak Preetam Sippy also hereby agrees and undertakes to compensate and pay to Appellant No. 1 (a) Neeta Preetam Sippy a sum of Rs. 10,00,000/- (Rupees Ten Lakhs Only) as and by way of payment of legal expenses and other expenses incurred by her simultaneously with the execution of these Consent Terms. He further agrees and undertakes to clear

and to pay all the society dues in respect of both the premises viz., Flat No./12 in building No. 6 and office No. 11/02 in Building No. 3 before the execution of these Consent Terms and has handed over the keys of the Office premises to Appellant No. 1 (a) which the Appellant admits the receipt herein.

5. The parties agree that save and except as above, they shall have no claim against each other of any nature whatsoever in respect of the said two premises and the shares transmitted/allotted by the Society in favour of the Appellant No. 1 (a) and Respondent No 3.

6. Navjeevan Co-operative Housing Society Ltd., Lamington Road, is directed to act on the Certified Copy of the minutes of the Order.

7. Liberty to the parties to apply in case any further Order.

8. No Orders as to costs.

5. Accordingly, the aforesaid LPA is allowed in terms of the said consent terms. Learned counsel for the parties undertake to abide by their respective undertakings as set out in the consent terms.

6. Learned counsel for the Respondent No. 3 and 4 undertakes to file his Vakalatnama on behalf of the Respondent Nos. 3 and 4 within two weeks from today. Time granted.

7. Rule is made absolute in the aforesaid terms.
8. Accordingly, the LPA stands disposed of.
9. All parties to act an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.