

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

**APPEAL FROM ORDER NO.378 OF 2022
WITH
INTERIM APPLICATION NO.2608 OF 2022**

Mr.Anuj Kirti Shah ... Petitioner
Vs.
Kirti Mohanlal Shah & Ors. ... Respondents

**NILAM
SANTOSH
KAMBLE**
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**WITH
APPEAL FROM ORDER NO.462 OF 2021
WITH
INTERIM APPLICATION NO.3532 OF 2021
IN
APPEAL FROM ORDER NO.462 OF 2021**

Mr.Anuj Kirti Shah & Ors. ... Petitioners
Vs.
Kirti Mohanlal Shah ... Respondent

**WITH
APPEAL FROM ORDER NO.461 OF 2021
WITH
INTERIM APPLICATION NO.3531 OF 2021
IN
APPEAL FROM ORDER NO.461 OF 2021**

Mr.Anuj Kirti Shah & Ors. ... Petitioners
Vs.
Kirti Mohanlal Shah ... Respondent

**WITH
APPEAL FROM ORDER NO.372 OF 2022**

Jinal Anuj Shah ... Petitioner
Vs.
Kirti Mohanlal Shah & Ors. ... Respondents

Mr.Siddhartha Shah a/w Ms.Riya Rele i/by Siddhartha Shah and Associates for the Appellant in AO No.372 of 2022 and for the Respondent No.3 in AO No.378 of 2022.

Mr.Vinduprakash Pandey a/w Mr.Vivek Tripathi, Mr.Pramodkumar Pandya i/b Legal Edge LLP for the Appellant in AO No.378 of 2022, AO No.461 of 2021 and AO 462 of 2021 and for Respondent No.3 in AO No. 372 of 2022.

Mr.Siddhesh Bhole a/w Mr.Nikhil Ghate and Ms.Rutvi Doshi i/b SSB Legal & Advisory for Respondents in AO No.461 of 201, AO 462 of 2021, AO 378 of 2022 and AO 371 of 2022.

CORAM : C.V. BHADANG, J.

DATE : 26 JULY 2022

P.C.

. The parties have produced consent terms on record which are marked 'x' for identification. The consent terms are signed by the parties and their advocates. The parties who are present before the Court admit the correctness thereof.

2. The undertakings furnished by the parties in the consent terms are accepted.

3. The learned counsel for the parties seek order for disposal of the Appeals in terms of the settlement.

4. The dispute is between Mr.Kirti Mohanlal Shah (the Plaintiff in RCS No.1972 of 2018) on one hand and his son Anuj Shah and daughter-in-law Jinal Shah on the other. AO No.461 of 2021 and 462 of 2021 have arisen out of the orders passed on the

Notice of Motion seeking injunction, while AO No.372 of 2022 and 378 of 2022 involve a challenge to the order in respect of the breach of injunction.

5. The learned counsel for the parties submit that in view of the terms agreed AO No.461 of 2021 and 462 of 2021 are sought to be withdrawn, while AO No.372 of 2022 and 378 of 2022 are to be allowed. Incidentally, the order dated 23 March 2022 directing the Appellants in AO No.372 of 2022 and 378 of 2022 (Original Defendant Nos.1 and 2) being detained in Civil Prison for 15 days is subject matter of challenge in both these Appeals.

6. In such circumstances, the following order is passed.

ORDER

- (i) Appeal From Order No.461 of 2021 and 462 of 2021 stand disposed of as withdrawn.
- (ii) Appeal From Order No.372 of 2022 and 378 of 2022 are hereby allowed. The impugned order dated 23 March 2022 is hereby set aside. As a result Notice of Motion No.3295 of 2021 stands dismissed.
- (iii) In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.