

Amkhim Holdings Pvt. Ltd. & Ors. ... Plaintiffs

Bharati Mohan Kalra & Ors. ... Defendants

Mr. Manish P. Gitay a/w Mr. Yogendra M. Kanchan for the Plaintiffs.
Mr. Mayur Shikhare for Defendant Nos.1 and 4.
Ms. Juhi Bhogle i/b GNP Legal for Defendant No.3.

CORAM : R.I. CHAGLA, J.

DATED : 23rd MARCH, 2022

1 The Plaintiffs and Defendant Nos.1 and 4 are granted leave to
amend the Consent Terms by adding a clause to the effect that in
accordance with these Consent Terms, the Plaintiffs seek leave of this
Court to withdraw the Commercial Suit No.1448 of 2019. The
amendment shall be carried out forthwith.

2 Parties have settled their disputes. Consent Terms dated 23.03.2022 have been tendered. Consent Terms are taken on record and marked 'X' for identification. These are signed by the Plaintiffs and their Advocates. The Consent Terms are also signed by Defendant No.1 through power of attorney holder Defendant No.2. The Special Power of Attorney dated 15.01.2020 is in favour of Defendant No.2 is appended to the Consent Terms. The Consent Terms are also signed by Defendant Nos.2, 5, 6, 7 and 8.

3 The learned Counsel appearing for Defendant No.3 states that the dues of Defendant No.3 have been settled. Insofar as Defendant No.2 is concerned, the Company is currently before the NCLT in liquidation and the resolution professional has been appointed for Defendant No.2-Company. The learned Counsel appearing for the Plaintiffs has in terms of clause 4 of the Consent Terms sought leave to withdraw the Suit against Defendant No.3 unconditionally. Accordingly, the Suit is disposed of as withdrawn against Defendant No.2.

4 The undertakings if any, in the Consent Terms are accepted as undertakings to the Court.

5 The Plaintiffs seek leave to withdraw the above Commercial Suit No.1448 of 2019 in accordance with these Consent Terms.

6 The Commercial Suit No.1448 of 2019 is disposed of as withdrawn in accordance with these Consent Terms.

7 In view of the disposal of the Suit, the Notice of Motion is also disposed of as having become infructuous.

8 A soft copy of the Consent Terms will be uploaded as the second order in the matter.

9 The Registry is to ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

10 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.

11 All concerned will act on production of a digitally signed copy of this order.

(R.I. CHAGLA, J.)