

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**APPEAL NO. 806 OF 2006**  
**IN**  
**SUIT NO. 2208 OF 1987**  
**WITH**  
**INTERIM APPLICATION (L) NO. 33000 OF 2022**  
**IN**  
**APPEAL NO. 806 OF 2006**  
**IN**  
**SUIT NO. 2208 OF 1987**

Mamta Lachmandas Makhija & Anr

...Appellants

*Versus*

Janki Bhojraj Makhija & Ors

...Respondents

ARUN  
RAMCHNDRA  
SANKPAL

Digitally signed by  
ARUN RAMCHNDRA  
SANKPAL  
Date: 2022.10.19  
14:34:54 +0530

**Mr Ramachandran N, i/b Narayanan & Narayanan, for Appellants**  
**Nos. 1A & 1B.**

**Mr SN Vaishnav, with Nupur Mukherjee, i/b NN Vaishnav & Co, for**  
**Respondents Nos. 1 and 10.**

**Mr Pratik Amin, for Respondent No. 4A.**

**Mr SK Dhekale, Court Receiver, with Mrs Rekha Rane, IInd Assistant**  
**to Court Receiver, present.**

**Ms Mamta L Makhija, Appellant No.1A and Girish L Makhija,**  
**Appellant No.1B, present.**

**CORAM   G.S. Patel &  
              Gauri Godse, JJ.  
DATED:   18th October 2022**

**PC:-**

1. Pursuant to our order passed yesterday, the parties (except the 1st Respondent) are present. We excused her presence yesterday. Appellants Nos. 1A and 1B are present in Court. The other signatories are present in Court.
2. Respondent No. 4A is also present and is represented by her Advocate, Mr Pratik Amin. She now confirms through her Advocate that she is agreeable to the Consent Terms and the Minutes of the Order.
3. The Consent Terms in the Interim Application and Appeal are taken on record and marked “X1” for identification with today’s date. The Consent Terms are signed by the Appellant Nos. 1A, 1B, Respondents Nos. 1, 4A and 10 as also by their respective Advocates.
4. We are satisfied that the Consent Terms are in order, not contrary to law and have been drawn by the parties of their own volition and in reflection of their true intentions.
5. The undertakings, if any, in the Consent Terms are accepted as undertakings to the Court.

6. There will be an order in the Appeal in terms of the Consent Terms.
7. There is an Interim Application for deletion of some of the parties. These deletions are shown in the full title which is part of the Consent Terms and the Consent Minutes of the Order. The amendment is allowed. It is to be carried out without need of reverification by Friday, 21st October 2022.
8. The Court Receiver is to stand discharged without passing account but on payment of his cost, charges and expenses by all the parties as agreed in Clause 11 of the Consent Terms.
9. The Court Receiver will deliver possession of the Makhija Stores of which he has physical possession in accordance with the provisions of the Paragraph 11 of the Consent Terms.
10. For the purposes of the Consent Terms and, if required, registration or stamp duty, the parties are at liberty to submit a certified or authenticated copy of this order and of the Consent Terms to the appropriate authorities. If necessary, the Consent Terms and this order will operate as a conveyance.
11. Parties have also tendered Consent Minutes of the Order and these are signed. In view of the present order the Consent Minutes of the Order are really not necessary.

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

13. 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.

14. 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.

15. The demand draft in favour of Respondent No. 4A and which was in safe custody of the Court Associate is handed over to her Advocate in Court today.

16. The Appeal is disposed of with an order in terms of the Consent Terms and the other terms above.

17. The other Interim Application does not survive and is disposed of accordingly. All previous interim and ad-interim orders stand vacated.

**(Gauri Godse, J)**

**(G. S. Patel, J)**