

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

WRIT PETITION NO. 1960 OF 2002

Sumermal Mishrimal Bafna and Ors. ...Petitioners
Vs.
Surendra Babulal Mehta ... Respondent

**WITH
INTERIM APPLICATION NO. 7927 OF 2023
WITH
INTERIM APPLICATION NO. 7928 OF 2023
IN
WRIT PETITION NO. 1960 OF 2002**

Kiranrajji Mangilalji Shah ..Applicant
In the matter Between
Sumermal Mishrimal Bafna and Ors. ...Petitioners
Vs.
Surendra Babulal Mehta ... Respondent

Mr. Ram. S. Apte, Senior Advocate with Mr. P. B. Shah and Ms. Gunjan Shah i/b Mr. M.V. Rawoot for Applicants/Petitioners.
Mr. Sankalan Das i/b Mr. P. P. Kakade for Respondents.
Mr. Vikas Parekh, Mr. Jagdish Mehta, Mr. Prafulla Shah, Mr. Mayank Shah, Petitioners No. 2,3 6 and 7 present.
Mr. Suresh B. Mehta, Mr. Jitendra B. Mehta, Mr. Ashok B. Mehta, Ms. Neeta N. Shah, Ms. Bavna S. Shah, Respondents No. 1 to 5 present.
Ms. Vanita S. Mehta, Mr. Miten S. Mehta, Ms. Pinky S. Mehta, Ms. Rekha J. Mehta, Mr. Chirag J. Mehta, Ms. Niki J. Mehta, Ms. Surekha A. Mehta, Ms. Mansi A. Mehta, Ms. Megavi A. Mehta, Mr. Harsh N. Shah, Mr. Jay N. Shah and Mr. Akshay S. Shah, family members of Respondents No. 1 to 5 present.

**CORAM: ABHAY AHUJA J.
DATE : 14 JUNE 2023**

P.C. :

Interim application no. 7927 of 2023

1. By this interim application, applicant is seeking to add the brothers of the original defendant as parties to the present petition as contained in the schedule annexed thereto.

2. Mr. Apte, learned Senior Counsel submits that amendment is formal in nature as consent terms have been entered into today for resolving the entire dispute. Mr. Das, learned Counsel for the Respondents has no objection if the application is allowed.

3. Having heard the learned Counsel for the parties and having perused the application, the application is allowed in terms of prayer clause (a) of the application. Let the amendment be carried out forthwith.

4. Interim application stands disposed of.

Interim application no. 7928 of 2023

5. This is an interim application seeking to bring on record the present trustees of the Petitioner's trust. Mr. Apte, learned Senior Counsel would

submit that the amendment is formal in nature as no new averments are sought to be made. He submit that the petition is already settled as consent terms has been filed in the matter. Mr. Das, learned Counsel for the Respondent has no objection is the application is allowed.

6. Having heard the learned Counsel for the parties and having perused the application, the application is allowed in terms of prayer clause (a) of the application. Let the amendment be carried out forthwith.

7. Interim application stands disposed of.

Writ Petition No. 1960 of 2022

8. Parties have tendered across the bar Consent Terms dated 14 June 2023 between the parties seeking to settle the litigation. The Consent Terms contain terms of settlement and are duly signed by the parties and their counsel as well as chairman and managing trustee of the trust, who has been authorised by the other trustees. Consent Terms are taken on record and marked 'X' for the purposes of identification.

9. Undertakings given in the said Consent Terms are accepted by the Court. Possession letter is also part of the Consent Terms at page 29. The possession of the subject premises has been handed over to the Petitioners by the Respondents. It is also recorded that five cheques of the amounts mentioned at page 28 of the Consent Terms are handed over by the Petitioner trust to the Counsel for the Respondents.

10. Writ Petition stands disposed of in terms of the Consent Terms. Pending interim applications, if any, accordingly stand disposed.

(ABHAY AHUJA, J.)