

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.174 OF 2023**

Gautam Khosla s/o Amarnath Khosla
Thr. POA Ms Depasari Sarangkar

....Appellant

V/s.

Harikishan Nanakchand Khosla

...Respondent

Mr. Ashok Mishra for Appellant.

Mr. Rahul Pandey a/w Ms Pramila Prajapati i/b Mr. Om Prakash Pandey for
Respondent No.1.

Mr. P. G. Sawant for Respondent Nos.2 to 7

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ**

DATED : 10th APRIL 2023

P.C. :

1 The appeal has been filed by a party, who was not a party to the original suit. It is true that appellant was originally defendant no.4 but the suit was withdrawn against defendant no.4, i.e., appellant. Appellant's case is that order has been obtained behind his back which has prejudicially affected him. It is open to appellant to move the trial court for recall of the order passed in terms of the consent terms.

2 We would also observe that in any event since appellant was not a party to the consent terms, the consent terms will not be binding upon appellant.

3 Appeal dismissed with liberty as suggested earlier.

4 Consequently, interim application also stands disposed.

(RAJESH S PATIL, J.)

(K.R. SHRIRAM, J.)