

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION (L) NO. 23254 OF 2023
IN
EXECUTION APPLICATION NO. 312 OF 2023**

Manish Khera ...Applicant
vs.
Jayajit Trust ...Respondent

Adv. Vaibhav Charalwar a/w Adv. Vrushali Pokharna and Rahul Pillai i/by Pragnya Legal - Advocate for the Applicant/Judgment Debtor

Adv. Manisha Virkhare a/w Adv. Anand Iyer i/by Divya Shah Associates - Advocate for the Decree holder

CORAM : S. M. MODAK, J.

DATE : 20th SEPTEMBER 2023

P. C. :-

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1. Parties to this execution proceedings have settled the matter. The consent terms is taken on record and marked as 'Annexure-X'. It is signed by the authorized representative of the Trust. Copy of the resolution of the Trust is annexed. Whereas power of attorney of judgment debtor has signed. Its copy is annexed. Judgment Debtor No. 2 was nominal party and there are no direction as per Arbitrator award against him.

Respective learned Advocates for the parties identifies that their clients have signed and they have signed on behalf of both the parties to this execution.

2. Money is already paid by the judgment debtor to the Decree holder and that is recorded in the consent terms. As agreed, as per Clause No. 5 of the Consent term, the Decree holder has handed over today the original documents as mentioned therein and it is accepted by learned Advocate on behalf of the judgment debtor no. 1. The terms mentioned in the consent terms are considered as an undertaking given to the Court.

3. In view of that execution application is disposed of.

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4. Interim application for lifting of attachment of the immovable property is allowed in terms of the consent terms. Accordingly, interim application is disposed of.

5. Office to act upon an authenticated copy of this order.

[S. M. MODAK, J.]