

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL UNDER ARBITRATION ACT NO.1 OF 2022

VALLABH N. AMONKAR AND 3 ORS	... APPELLANTS
Versus	
AMEETA G. AMONAKR AND 3 ORS	... RESPONDENTS

Mr Sahish Mahambrey, Advocate for the Appellants.
Mr Vallabh Pangam, Advocate for Respondent No.1.
Mr Somnath Karpe and Mr Anand Shirodkar, Advocates for
Respondent No.2.

CORAM:- M. S. SONAK, J.

DATED :- 19th January, 2024

P.C.:

Mr Mahambrey, learned counsel for the Appellants, Mr V. Pangam, learned counsel for Respondent No.1 and Mr S. Karpe, learned counsel for Respondent No.2 hand in consent terms which are taken on record and marked 'X' for the purpose of identification.

2. The learned counsel point out that Respondent Nos. 4(a) to 4(d) have already relinquished their rights and therefore, they have no interest in this arbitration appeal. They point out that this fact is also recorded in the Arbitrator's award (page 41). Accordingly, they submit that this appeal can be disposed of based on the consent terms which have been signed by the four Appellants and Respondent Nos. 1 and 2.

3 Considering the above, Mr Mahambrey based on the instructions seeks leave to delete Respondent Nos. 4(a) to 4(d) as parties to this appeal. This request is allowed and deletion is permitted. Necessary amendment to be carried out forthwith.

4 The consent terms now handed in have been signed by the four Appellants who are present in the Court today. The Appellants state in unison that they have signed these consent terms after understanding their full scope and import. The first and second Respondents have also signed these consent terms. They are also present in the Court. Even they have signed the consent terms after understanding their full scope and import.

5. The learned counsel for the Appellants and Respondent Nos. 1 and 2 have also signed these consent terms. They have also identified the Appellants and Respondents.

6 On perusing the consent terms, I find that the same are quite equitable and in any case not opposed to any public policy. Accordingly, there is no difficulty for accepting the consent terms and disposing of the Appeal under Arbitration No.1 of 2022. Accordingly, the consent terms are accepted. The appeal is disposed of according to these consent terms.

7 The consent terms record that the amount of Rs.44,81,326/- is deposited before the District Judge-1, North Goa, in the execution proceedings No.223/2012. Accordingly, the Court of District Judge-1, North Goa, where the execution proceedings No.223/2012 were pending to disburse the said amount in the proportionate of one-third to Appellant Nos.1 and 2 and one-third to Appellant Nos. 3 and 4 and balance one-third to Respondent Nos. 1 and 2 respectively. The interest that shall accrue on this amount will also be released and disbursed in the same proportionate.

8 The learned counsel for the parties state that they will furnish bank details of the Appellants and Respondents to the Court of District Judge-1, North Goa, or its registry within 15 days from today. They say that they will also file an authenticated copy of this order along with consent terms.

9 Upon the bank details being furnished and the authenticated copy of this order together with the consent terms being filed, the Court of District Judge-1, North Goa, and/or registry to ensure that the amounts in the proportionate stated above are transferred directly into the bank accounts of the parties.

10 The Appeal under Arbitration No.1 of 2022 shall stand disposed of in the precise terms of these consent terms. This Court expressed its gratitude to the parties as well as the learned counsel

appearing for the parties for settling this matter amicably. This is more since it is pointed out that the parties are closely related to each other.

11 All concerned to act on an authenticated copy of this order.

M. S. SONAK, J.