

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8600 OF 2024

Dilip Jugraj Kothari .. Petitioner
Versus
Vansh Jayantilal Jain .. Respondent

WITH
WRIT PETITION NO. 8601 OF 2024

Dilip Jugraj Kothari .. Petitioner
Versus
Usha Jayantilal Jain .. Respondent

WITH
WRIT PETITION NO. 8602 OF 2024

Dilip Jugraj Kothari .. Petitioner
Versus
Jayantilal M. Jain .. Respondent

WITH
WRIT PETITION NO. 8603 OF 2024

Dilip Jugraj Kothari .. Petitioner
Versus
Leena Gulabchand Jain .. Respondent

WITH
WRIT PETITION NO. 8604 OF 2024

Dilip Jugraj Kothari .. Petitioner
Versus
Abhilasha Gulabchand Jain .. Respondent

WITH
WRIT PETITION NO. 8605 OF 2024

Dilip Jugraj Kothari .. Petitioner
Versus
Mohit Gulabchand Jain .. Respondent

WITH
WRIT PETITION NO. 8606 OF 2024

Dilip Jugraj Kothari .. Petitioner

Versus

Prabha Gulabchand Jain

.. Respondent

WITH

WRIT PETITION NO. 8607 OF 2024

Dilip Jugraj Kothari

.. Petitioner

Versus

Harsh Jayantilal Jain

.. Respondent

AND

WRIT PETITION NO. 8608 OF 2024

Dilip Jugraj Kothari

.. Petitioner

Versus

Gulabchand Borana, Hindu Undivided Family

Through its Karta Mr. Gulabchand M. Borana

.. Respondent

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- Mr. Bhalchandra Palav a/w. Mr. Kiran Dubey, Advocates i/by Mr. Shailesh Mishra, Advocate for Petitioner in all Writ Petitions.
- Mr. Amit Tungare, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 31, 2024.

P.C.:

1. Heard Mr. Palav, learned Advocate for Petitioner in all Writ Petitions and Mr. Tungare, learned Advocate for Respondent.

2. Today, learned Advocates have filed Minutes of Order dated 31.07.2024 which are taken on record and marked “X” for identification. Parties have reconciled their disputes and differences and filed Minutes of Order. All signatories to the Minutes of Order are present before me in Court and they confirm the execution of the Minutes of Order. Minutes of Order are executed by the parties as well as Advocates whose signatures are appended at page No.5 of the Minutes of Order.

3. Minutes of Order are running into 5 pages. For the sake of reference and convenience, the said Minutes of Order are scanned and reproduced below for the benefit of the parties as also the benefit of the Trial Court:-

"X" *mmjadhav* 31/7/2024 (1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 8600 OF 2024
Dilip Jugraj KothariPETITIONER
V/S
Vansh Jayantilal JainRESPONDENT
WITH
WRIT PETITION NO. 8603 OF 2024
Dilip Jugraj KothariPETITIONER
V/S
Leena Gulabchand JainRESPONDENT
WITH
WRIT PETITION NO. 8607 OF 2024
Dilip Jugraj KothariPETITIONER
V/S
Harsh Jayantilal JainRESPONDENT
WITH
WRIT PETITION NO. 8608 OF 2024
Dilip Jugraj KothariPETITIONER
V/S
Gulabchand Borana Hindu Undivided
Family Through Its Karta

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Mr. Gulabchand M Borana.

..RESPONDENT

WITH

WRIT PETITION NO. 8604 OF 2024

Dilip Jugraj Kothari

....PETITIONER

V/S

Abhilasha Gulabchand Jain

....RESPONDENT

WITH

WRIT PETITION NO. 8606 OF 2024

Dilip Jugraj Kothari

....PETITIONER

V/S

Prabha Gulabchand Jain

....RESPONDENT

WITH

WRIT PETITION NO. 8605 OF 2024

Dilip Jugraj Kothari

....PETITIONER

V/S

Mohit Gulabchand Jain

....RESPONDENT

WITH

WRIT PETITION NO. 8601 OF 2024

Dilip Jugraj Kothari

....PETITIONER

V/S

Usha Jayantilal Jain

....RESPONDENT

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WITH

WRIT PETITION NO. 8602 OF 2024

Dilip Jugraj KothariPETITIONER

V/S

Jayantilal M JainRESPONDENT

Draft Minutes of the Order :

Counsel Mr. Bhalchandra Palav a/w Ms. Kiran Dubey i/b Advocate Mr. Shailesh Mishra for Petitioner, Advocate Mr. Amit Tungare for Respondents.

Petitioner Mr. Dilip Jugraj Kothari present in person.

Mr. Gulabchand Botana, the Respondent present in person.
Kothari (HUF)

The Advocates for parties have tendered the common draft consent minutes of the Order, which have been signed by the parties and their Advocates for amicable disposal of the above nine Petitions. The same are taken on record and marked as Exhibit X for identification.

1. The clause 2 of operative part of the Impugned Order dated 06.05.2024 passed by the Ld. Trial Court stands modified to the extent that the Petitioner herein (Defendant in the nine suits) of i) Summary suit no. 640/2022, ii) Summary suit no. 625/2024 iii) Summary suit no. 628/2022, iv) Summary suit no. 626/2022, v) Summary suit no. 627/2022, vi)

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Summary suit no. 630/2022, vii) Summary suit no. 631/2022, viii) Summary suit no. 624/2022, ix) Summary suit no. 629/2022) shall deposit a total sum of Rs. 15 Lakhs within four weeks from today, i.e., 28.08.2024, as conditional deposit for availing leave to defend. The Petitioner shall be allowed to file written statement within 30 days, thereafter. Rest of the operative part of order dated 06/05/2024 is unchanged.

2. The Trial of the nine suits is expedited and the Ld. Trial Court is hereby requested to complete the same expeditiously, preferably within a year.
3. The observations made by the Ld. Trial Court in its Impugned Order and the Petitioner's willingness to deposit the above amount shall not in any manner be construed as admission on part of the Petitioner to the suit claims and / or shall not affect, in any way, the proceedings before the Ld. Trial Court in the nine suits.
4. All the respective issues and contentions of the parties in the nine suits are kept open before the Ld. Trial Court.

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5. Without prejudice to the rights and contentions of the parties.

6. The above Petition are hereby disposed of in terms of this order.

Dated 31st day of July, 2024

Dubey
Advocate for Petitioner
(Kiran Dubey)
MAH/7292/2020

[Signature]
Advocate for Respondent

[Signature]
Petitioner (Dilip Kothari)
(Explained in Hindi)
[Signature]
Respondent

4. Rights and obligations as stated in the said Minutes of Order are taken as undertaking given to this Court by all concerned parties who shall be obligated with the same.

5. In view of the Agreement between the parties as delineated in Clause '2' of the Minutes of Order, the learned Trial Court is directed by this Court to expedite of the Suit proceedings as possible and preferably within a period of one year from today.

6. Order in terms of Minutes of Order.

7. Parties and the learned Trial Court are directed to act on authenticated copy of this order.

8. With the above directions, Writ Petitions are disposed.

[MILIND N. JADHAV, J.]

Ajay

AJAY
TRAMBAK
UGALMUGALE
Digitally signed by
AJAY TRAMBAK
UGALMUGALE
Date: 2024.08.01
18:16:49 +0530