

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12099 OF 2024
IN
WRIT PETITION NO.9740 OF 2024

SATISH
RAMCHANDRA
SANGAR

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2024.10.16
19:11:54 +0530

Ram Vasant Kotak

Age : 66 Years, Occupation : Business,

Residing at : Daddyseth Bungalow,

Siri Road, Chiranjilal Loyalka Marg,

Malabar Hill, Mumbai : 400006

and Others

...Applicants

(Respondent Nos.4,5, 6 /

Orig. Defendant Nos.2, 3, 4)

In the matter between:-

Mrs.Punita Dilip Shah

Senior Citizen, Indian Inhabitant,

Aged : 64 Years, Occupation : Housewife,

Residing at : 122, 6th Cross, RMV Extension

Bangalore : 560080, Through the Constituted ...Petitioner

Attorney Mr. Gole.

(Orig. Defendant No.7)

Versus

State of Maharashtra

Through : Government Pleader,

High Court, Bombay and Others

...Respondents

=====

ALONG WITH
INTERIM APPLICATION (ST) NO.23822 OF 2024
IN
WRIT PETITION NO.5809 OF 2015

Ram Vasant Kotak

Age : 66 Years, Occupation : Business,

Residing at : 203, Elphinstone House, ...**Applicant**
17, Murzban Road, Mumbai : 400001. (**Orig. Respondent No.2**)

In the matter between:-

Kamla Avalon Ventures Pvt. Ltd.
A Company incorporated under the
Indian Companies Act, 1956, having
its Office at : Kamla Spaces, 3rd Floor,
Unit 318, Mumbai : 400054. ...**Petitioner**

Versus

Mrs.Nirmala Vasant Kotak
Residing at : 203, Elphinstone House,
17, Murzban Road, Mumbai : 400001
and Another ...**Respondents**

=====

Mr.Mayur Khandeparkar a/w Mr.Aniruddha Lad and Mr.Biju Joseph i/b. KLT Law Associates:-	Advocates for Petitioner in Writ Petition No.9740 of 2024.
Mr.Bhavesh Parmar a/w Mr.Aman Jhawar, Ms.Reshma Nair, Ms.Ratnarani Roy i/b. Mr.Aman Jhawar:-	Advocates for Respondent No.2 in Writ Petition No.5809 of 2015 and for Respondent Nos.4,5,6 in Writ Petition No.9740 of 2024 and for Applicant in Interim Application (ST) No.23822 of 2024.
Mr.Aseem Naphade i/b. SSP Legal:-	Advocate for Respondents in Interim Application (ST) No.23822 of 2024 and for Petitioner in Writ Petition No.5809 of 2015.
Mr.Sunil R. More:-	Advocate for Respondent No.1 in Writ Petition No.5809 of 2015.

CORAM : S. M. MODAK, J.

DATE : 15th OCTOBER 2024

1. For the reasons recorded separately, which are under typing, following order is passed:-

-: ORDER :-

- (i) First **Writ Petition No.5809 of 2015** is allowed in terms of prayer clause (a).
- (ii) The order dated 18th April 2015 passed by the learned District Judge – 4, Pune in Misc. Application No.885 of 2014 impounding the Memorandum of Understanding dated 11th April 2012 is quashed and set aside.
- (iii) Consequently, the ad-interim relief staying the proceedings in Special Civil Suit No.528 of 2022 till determination of the present Petition, granted by this Court vide order dated 12th June 2024 is vacated.
- (iv) In view of the above, the Interim Application No.12099 of 2024 filed by the Respondent Nos.4,5,6 has become infructuous. It is disposed of accordingly.
- (v) They are at liberty to pursue their Application for vacating the status-quo before the trial Court.
- (vi) The Plaintiff is at liberty to produce the original MoU before the trial Court.
- (vii) In view of above, First **Writ Petition bearing No.5809 of 2015** is disposed of.

- (viii) The Petitioner – Mrs.Punita Dilip Shah (Original Defendant No.9) is granted liberty to file an Application for de-exhibiting the MoU on the grounds other than impounding of the said MoU. It includes:-
 - (a) not containing the necessary particulars in the Affidavit of Examination-in-Chief or not producing the original MoU.
- (ix) The same liberty is granted to other Defendants also.
- (x) In view of above, Interim Application (ST) No.23822 of 2024 does not survive. It is disposed of accordingly.
- (xi) Second **Writ Petition No.9740 of 2024** is disposed of.

[S. M. MODAK, J.]