

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

**COMMERCIAL SUMMARY SUIT NO.33 OF 2023
WITH
COURT RECEIVER'S REPORT NO.42 OF 2024
IN
COMMERCIAL SUMMARY SUIT NO.33 OF 2023
WITH
INTERIM APPLICATION (L) NO.12360 OF 2023
IN
COMMERCIAL SUMMARY SUIT NO.33 OF 2023**

ECAP EQUITIES LIMITED)...PLAINTIFF

V/s.

**WELLDONE SOFTWARE CONSULTANCY)
PRIVATE LIMITED AND OTHERS)...DEFENDANTS**

Mr.Rohan Savant a/w. Mr.Sachin Chandarana a/w. Mr.Aagam Mehta
i/by M/s.Manilal Kher Ambalal & Co., Advocate for the Plaintiff.

Mr.Shaishir Divatia i/by Uttam Rane, Advocate for the Defendant No.4.

Mr.Vinod Parekh and Mr.Navnit Choudhary, Authorized Representatives
for the Defendants No.1, 2 and 3, present in Court.

Mr.S.K.Dhekale, Court Receiver, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 2nd APRIL 2024

PC. :

1. This circulation has been sought on behalf of the Plaintiff.
2. When the matter is called out, Mr.Savant, learned Counsel for the Applicant/Original Plaintiff appears and submits, on instructions, that

suit be allowed to be withdrawn as the matter has been settled out of Court between the parties.

3. Mr.Vinod Parikh, Authorized Representative on behalf of Defendants no.1, 2 and 3 is personally present in Court and submits an authorization which has been duly verified by the learned Associate of this Court. Mr.Parikh confirms the statement made on behalf of the learned Counsel for the Applicant/Original Plaintiff and has no objection if the suit is allowed to be withdrawn.

4. Mr.Shaishir Divatia, learned Counsel for the Defendant no.4, has no objection if the suit is allowed to be withdrawn.

5. The learned Court Receiver is present in Court and seeks directions with respect to the properties, movable and immovable, possession whereof was taken by the learned Court Receiver pursuant to earlier orders of this Court in Commercial Execution Application (L) No.381 of 2019, which Court Receiver was continued by order dated 12th January 2024 of this Court in Interim Application (L) No.12360 of 2023 in the Commercial Summary Suit sought to be withdrawn.

6. The learned Court Receiver has submitted that as part of the assets, there are twelve watches of which possession was received from

the Enforcement Directorate, as at that time their possession was with the Enforcement Directorate and seeks instructions as to whom those watches are to be returned.

7. Mr.Parikh, Authorized Representative of Defendants no.1 to 3, and Mr.Divatia, learned Counsel for the Defendant no.4, jointly submit, on instructions, that they have no objection if the twelve watches are returned to the Defendant no.2. Further, that the Defendants agree that any charges incurred by the Court Receiver towards the return of the property/assets shall be borne by the respective Defendants.

8. In view of the above submissions, the following order is passed :

- (i) The Suit is allowed to be withdrawn and disposed as such.
- (ii) All pending Interim Applications and the Court Receiver's Report No.42 of 2024 also to accordingly stand disposed.
- (iii) The ad-interim / interim injunctions accordingly to stand vacated.
- (iv) Refund of Court fees as per Rules.
- (v) The Court Receiver, High Court, Bombay, appointed as above in respect of the properties described in the affidavit of disclosure dated 27th June 2023 and in the Court Receiver's Report No.42 of 2024 dated 23rd January 2024, symbolic/physical possession

whereof was taken by the learned Court Receiver, to return the symbolic/physical possession of the said properties to the respective Defendants from whom the symbolic/physical possession was taken, at the earliest, preferably within a period of three weeks and thereafter the learned Court Receiver to stand discharged without passing of accounts, subject to payment of cost charges and expenses and any charges incurred by the Court Receiver towards the return of the properties/assets be paid before the handing over/return of possession of the said properties by the respective Defendants.

- (vi) However, the learned Court Receiver to return the said twelve watches to the Defendant no.2 alone.
- (vii) The costs of Rs.5,000/- with respect to Court Receiver's Report No.42 of 2024 to be paid by the Plaintiff/Applicant within a period of two weeks.

(ABHAY AHUJA, J.)