

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1783 OF 2025

Franco India Pharmaceutical Pvt Ltd ..Petitioner

Versus

Money Magnum Nest Pvt Ltd & Anr ...Respondents

Mr. Rohaan Cama, with Mr. Amit Patil and Mr. Rishabh Jadhav, i/b
Parinam Law Associates, for the Petitioner.

Mr. Kushan K. Kode, with Ms. R Mehta and Mr. Alpesh Sharma, i/b
Vashi And Vashi, for Respondent No.1.

Mr. Pascal Postel, Petitioner present.

Mr. Alexandre Johan Postel, Petitioner present.

Mr Uday Mota, Director of Respondent No.1, present.

CORAM: N. J. JAMADAR, J.

DATED : 25th JULY 2025

P.C.:

- 1.** Heard the learned Counsel for the parties..
- 2.** The learned Counsel for the parties submit that the Petitioner and Respondent No.1 have amicably resolved the dispute and Consent Terms have been executed. The learned Counsel seek leave to tender the Consent Terms.

Leave granted.

- 3.** The Petitioner had filed a Suit for declaration. An application for rejection of the Plaint was filed by the Respondent No.1. The said application was rejected by the learned Trial Judge. In Revision

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Application No. 218 of 2023, the Appellate Bench of the Court of Small Causes was persuaded to allow the Revision Application and the Plaint in RAD Suit No. 1250 of 2018, came to be rejected.

4. The said order passed by the Appellate Bench is assailed in this Writ Petition.

5. It is submitted that, now the parties have amicably resolved the dispute and the Petitioner has agreed to vacate and handover the possession of the Suit property to Respondent No.1.

6. Mr. Pascal Postel, the Chairman and Managing Director of the Petitioner-Company, and Mr. Alexandre Johan Postel, the Joint Managing Director of the Petitioner-Company, are present in Court. Mr. Uday Mota, the director and authorised officer of the Respondent No.1-company is also present before the Court. The copies of the Resolutions authorising the abovenamed persons to execute, and enter into the Consent Terms are annexed to the Consent Terms. They admit the contents of the Consent Terms and execution thereof. The parties are identified by their respective Advocates. Upon being specifically inquired, Mr. Pascal Postel and Mr. Alexandre Johan Postel submit that they have voluntarily entered into the Consent Terms and will abide by the Consent Terms.

7. It appears that the Consent Terms have been voluntarily executed and there is no coercion or duress. The parties seem to have worked out a comprehensive settlement of the dispute.

- 8.** The Consent terms are thus taken on record and marked “X”.
- 9.** The Petition stands disposed in accordance with the Consent Terms, “X”.
- 10.** The undertakings in the Consent Terms are accepted as undertakings to the Court.
- 11.** By way of abundant caution, it is clarified that these Consent Terms will bind the Petitioner and Respondent No.1 and their successor-in-interest, only.

[N. J. JAMADAR, J.]