

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.89 OF 2024

IN

INTERIM APPLICATION (L) NO.29071 OF 2023

IN

SUIT NO.190 OF 2024

Nirali Parekh & Ors.

.. Appellants
Org.Defendants

Versus

Kishore Vrajlal Soni

.. Respondent

WITH

INTERIM APPLICATION 1388 OF 2024

IN

APPEAL NO.89 OF 2024

Nirali Parekh & Ors.

.. Applicants
Org.Appellants

In the matter of:-

Nirali Parekh & Ors.

.. Appellants
Org.Defendants

Versus

Kishore Vrajlal Soni

.. Respondent

Mr.Raghav Gupta a/w Siddharth Kate i/b Wadia Ghandy and Co., Advocates for the Appellants.

Mr.Ankur Shah a/w Akshay Udeshi, Advocates for Respondent.

Mr.Aditya Parekh, Appellant No.3 and POA Holder of Appellant Nos.1 and 2 present in Court.

Mr.Fenil Kishore Soni, POA Holder of Respondent present in Court.

**CORAM :B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE : MARCH 07, 2025**

P. C.

1. The above Appeal is filed assailing the order dated 15th April 2024 passed by a learned Single Judge of this Court in Interim Application (L) No.29071 of 2023 in Suit No.190 of 2024.

2. When the above Appeal is called out, we are happy to note that the parties have settled their disputes as recorded in the Consent Terms dated 7th March 2025. By these Consent Terms, not only is the above Appeal disposed of but so is the Suit.

3. The Consent Terms have been signed by the Power of Attorney Holder of Kishore Vrajlal Soni, and who is his son. The Power of Attorney is also annexed to the Consent Terms. The son (Fenil Kishore Soni) is present in Court today. He has stated that he has signed the Consent Terms after reading and understanding the same as well as the implications thereof. He has further stated that the Consent Terms have also been perused by his father Kishore Vrajlal Soni and only thereafter the same have been signed by him (i.e. Fenil Soni).

4. The Consent Terms are also signed by Original Defendant No.3 (Appellant No.3) for himself as well as the constituted attorney for Original Defendant Nos.1 and 2 (Appellant Nos.1 and 2). The Power of Attorney given to Appellant No.3 by Appellant Nos.1 and 2 is also annexed to the Consent Terms. Appellant No.3 who is present in Court today has stated that he has signed the Consent Terms on his own behalf as well as on behalf of Original Defendant Nos.1 and 2 after reading and understanding the same as well as the implications thereof. He has further stated that Original Defendant Nos.1 and 2 have also read and understood the Consent Terms on whose behalf he has signed.

5. The Consent Terms are also signed by the advocates for the Appellants (Original Defendants) and the advocates for the Respondent (Original Plaintiff).

6. In these circumstances, the Consent Terms dated 7th March 2025 are taken on record and marked 'X' for identification. All undertakings given in the Consent Terms are accepted as undertakings given to the Court.

7. There shall be an order and decree in terms of the Consent Terms and the above Appeal as well as Suit No.190 of 2024 are disposed of in terms thereof. However, there shall be no order as to costs.

8. Refund of Court Fees, if any, as per rules.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]