

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

EXECUTION APPLICATION NO.1494 OF 2022

Pushpa Makharia

...Applicant

V/s.

Trivenidevi Radhakrishna Makharia

Family Trust and Others

...Respondents

WITH
NOTICE NO.26 OF 2025
IN
EXECUTION APPLICATION NO.1494 OF 2022
WITH
INTERIM APPLICATION NO.1861 OF 2024
IN
NOTICE NO.26 OF 2025

Mr. Anup Khaitan for the Applicant.

Mr. Kamlesh Tiwari with Mr. Gobinda C. Mohanty i/b Mr. Gobinda C. Mohanty for the Respondent Nos. 2(1) to 2(c) for the legal heirs of Respondent No.2.

CORAM : ABHAY AHUJA, J.
DATE : 31st JULY 2025

PC. :

1. This matter has been listed under the caption “For Settlement / Consent Terms”.

2. When the matter is called, Mr. Khaitan, learned Counsel appearing for the Plaintiff at the outset tenders across the bar a draft amendment to the proceedings, submitting that since the Respondent No. 2 has died, his heirs need to be brought on record.

This order is modified as per the order dated 1st August, 2025.

3. Mr. Tiwari, learned Counsel appears for the heirs of the deceased Respondent No.2 and submits that all the heirs of the deceased Respondent No. 2 are present in the Court and that he has instructions to submit that they have no objection to be brought on record in the execution proceedings.

4. Having heard the learned Counsel and having considered their submissions, the execution proceedings be amended forthwith in terms of the draft amendment. Re-verification is dispensed with.

5. Learned Counsel appearing in the matter for the Applicant as well as the trustee of the Respondent No. 1 and for the heirs of the deceased Defendant No.2 tender across the bar the consent terms dated 31st July, 2025, submitting that the matter has been settled between the Applicant and the Respondents No. 1 and and heirs of Respondent No. 2 in terms of the said consent terms.

6. Mr. Khaitan, learned Counsel appearing for the Applicant submits that as regards the Respondent No. 3, the consent terms in paragraph 17 records that the consent terms do not touch the rights, title and interest of the Respondent No.3 in the partnership or trust. Mr. Khaitan

This order is modified as per the order dated 1st August, 2025.

seeks to withdraw the Execution Application as against the Respondent No.3.

7. The consent terms are taken on record and marked 'X' for the purposes of identification. The undertakings in the consent terms are accepted as undertakings given to this Court.

8. The execution proceedings are disposed as withdrawn as against the Respondent No.3.

9. The connected Notice and the Interim Application also to accordingly stand disposed.

(ABHAY AHUJA, J.)