
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16582 OF 2024

Rajnibhai H Doshi
(Since Decd.) Thr His Legal Heirs & Ors.Petitioners
Versus
Mahendra Kumar Narottam
Das Gandhi Decd. & Anr.Respondents

Mr. Drupad Patil *a/w Balasaheb G. Ligade for Petitioners.*

Mr. Pranit Kulkarni *i/b. Jayant Gaikwad, for Respondents.*

Parties also present in person, but the appearance has not been submitted.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 23, 2026

ORDER :

1. The matter has been heard from time to time on several dates and multiple issues have come up for consideration.
2. On the last occasion, the matter was stood over to today to enable the parties to confirm whether they would be willing to resolve the disputes and differences without getting into merits and putting an end to their conflict with a full and final settlement of all disputes and differences of whatsoever nature between the parties.

3. The underlying dispute involves a transaction for a flat. The parties have had transactions for three flats and the disputes between them were once settled but erupted afresh with a controversy over whether the transaction for the two flats had been in lieu of the transaction for the first flat or whether they were independent and separate transactions. The parties had arrived at a settlement, which fully and finally settled disputes over two flats but the controversy in the proceedings underlying this Petition is about whether the earlier settlement also covered settlement of proceedings and disputes over the first flat.

4. Meanwhile, the two individual male heads of the respective families that transacted have passed away, and the second generation has fought two rounds of litigation before the State Commission and the National Commission.

5. A deposit of certain sums has been made by the Petitioners nearly a decade ago in the Registry of the State Commission and that too would have certain accruals. On the last occasion, this Court had been given the impression that the funds had been deposited in the Registry of this Court, and therefore the precise amount including accruals was sought. However, it is now submitted that the deposit had been made in the State Commission's Registry, and this Court's Registry would not be able to confirm the amount.

6. After taking instructions from their respective clients, Learned Advocate for both sides have unequivocally submitted to this Court, in the presence of their respective clients in Court, that these proceedings may be disposed of by the Petitioner paying to the Respondent, without prejudice to all contentions made so far by either side, a sum that is left to this Court to decide within the range of settlement amount, at which the parties had been willing to settle earlier. The range indicated by the parties is between Rs. 9.5 lakhs (preferred by the Petitioner as being payable) and Rs. 11.50 lakhs (preferred by the Respondent as being receivable). The parties have firmly committed to settling the dispute at such amount as this Court determines within such range.

7. I have applied my mind objectively to the range presented by the parties and the fact that a sum of approximately Rs. 6,00,000 was deposited nearly a decade ago. Even taking interest on the deposited amount at an approximate standard average rate applicable to fixed deposits, and considering that such sum would defray a significant component of the settlement amount, if not the entire amount, I have recommended the sum of Rs. 10,25,000 as a lumpsum and all-inclusive settlement amount that would bind the parties, based on their firm commitment to settle at the amount so fixed.

8. Payment by the Petitioners and receipt by the Respondents of the aforesaid amount shall settle each and every outstanding dispute

between the parties. Such amount shall first be met by release to the Respondents, of the amounts deposited on behalf of the Petitioners and lying with the Registry of the State Commission along with all accruals thereon. Should release of such amount deposited along with accruals thereon result in a shortfall in meeting the payment amount of Rs. 10,25,000, the same shall be paid by the Petitioner to the Respondents within a period of four weeks from the upload of this Order on the website of this Court. Should such amount deposited along with accruals thereon be in excess of Rs. 10,25,000, such excess amount shall be released by the Registry of the State Commission to the Petitioners after the release of the agreed amount of Rs. 10,25,000 to the Petitioners.

9. All disputes and differences between the parties shall stand fully and finally settled in terms of this Order upon completion of the payment of the aforesaid amount. The parties confirm that with the aforesaid settlement, there shall be no claims, allegations and grievances between them, of any nature whatsoever, whether subsisting or in future between them. With the aforesaid settlement, both the parties agree that all the disputes and differences between them, including those in respect of which any pending proceedings, whether adjudicatory in nature or in execution, shall stand settled in terms of this Order, and the same shall be presented by the respective parties

before any forum as evidence of nothing being pending between them upon release and payment of amounts, as aforesaid, which shall bind such forum.

10. With the aforesaid directions, this Petition is hereby finally ***disposed of*** in exercise of the extraordinary jurisdiction and inherent powers of this Court and brings a *quietus* to the parties' disputes.

11. The maturity and professionalism displayed by advocates on both sides – Mr. Drupad Patil and Mr. Pranit Kulkarni – in particular context of the fractious background to the dispute, in guiding their respective clients at arriving at the aforesaid practical solution culminating in this Order, is laudatory and deserves appreciation.

12. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]