

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

Appeal No.303 of 2008

In

Arbitration Petition No.170 of 2008

Onyx Musicabsolute.com Pvt.Ltd. & ors. Appellants

Vs.

Yash Raj Films Pvt.Ltd. & ors.

Respondent

With

Appeal No.304 of 2008

In

Arbitration Petition No.169 of 2008

Onyx Musicabsolute.com Pvt.Ltd. & ors. Appellants

Vs.

Yash Raj Films Pvt.Ltd. & ors.

Respondent

With

Appeal No.305 of 2008

In

Notice of Motion No.1156 of 2008

In

Suit No.959 of 2008

Onyx Musicabsolute.com Pvt.Ltd. & ors. Appellants

Vs.

Yash Raj Films Pvt.Ltd. & ors.

Respondent

With

Contempt Petition No.40 of 2008
In
Arbitration Petition No.169 of 2008

Onyx Musicabsolute.com Pvt.Ltd. & ors. Appellants

Vs.

Yash Raj Films Pvt.Ltd. & ors.

Respondent

With

Contempt Petition No.41 of 2008
In
Arbitration Petition No.170 of 2008

Onyx Musicabsolute.com Pvt.Ltd. & ors. Appellants

Vs.

Yash Raj Films Pvt.Ltd. & ors.

Respondent

Mr.Gautam Ankhad i/b. M/s. Fedral & Rashmikan for appellants.

Ms.Meenal Dighe and Mr.Manav Shah i/b. Deven Dwarkadas & Partners for respondent no.1.

Mr.Chetan B. Raithatha i/b. I.C. Legal for resp.no.3.

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Appellant Nos.2 to 5 present.

Mr.Anand Gurnani, General Manager of respondent no.1 present.

Mr.Kishore Patel and Mr.Rajan Patel present as directors of Respondent no.2.

Mrs.Sudha Somvanshi, Senior Legal Executive of respondent no.3 present in Court.

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CORAM: B.H.MARLAPALLE & S.J.KATHAWALLA,JJ.

October 29, 2008.

P.C.

1. The Consent Terms have been placed on record by M/s.Federal & Rashmikant, Advocates for the appellants and Mr. Gautam Ankhad appears for them. Respondent No.1 is represented by M/s.Deven Dwarkadas & Partners and Ms.Meenal Dighe, Advocate appears for them. Respondent no.2 is represented by Shri Kishore Patel, Director of the said company and it is said to be a company held by the appellant nos.2 to 5 and respondent no.1 equally. Respondent no.3 is represented by M/s.I.C. Legal and Mr.Chetan B. Raithatha, Advocate appears for the same. Mrs. Sudha Somvanshi, Senior Legal Executive is present in person and the said respondent has no objection for these Consent Terms.

2. Appellant no.1 - company is represented by appellant nos.2 to 5 and all of them are present before us. They have confirmed that the disputes between the parties which are the subject matters of Suit No.959 of 2008, Arbitration Petition Nos.169 and 170 of 2008 as well as Appeal Nos.303 to 305 of 2008 have been settled amicably and the terms of the said

settlement are in the form of Consent Terms as placed before us. The Consent Terms have been signed on 27th October 2008 and all the parties who are signatories to these Consent Terms agree and undertake that the said terms shall be binding on each of them.

3. The parties, therefore, pray for disposal of the appeals, arbitration petitions, suit as well as the contempt petitions as have been enumerated in the title of the Consent Terms. We are satisfied that the settlement has been voluntary and the parties have verified the same by way of acceptance of the terms and conditions therein. We also accept the undertakings of the respective parties as have been set out in the Consent Terms.

4. Hence we dispose of Appeal Nos.303 to 305 of 2008, Arbitration Petition Nos.169 and 170 of 2008, Suit No.959 of 2008 and Contempt Petition Nos.40 and 41 of 2008 in terms of the Consent Terms which are taken on record and marked "X" for identification. We direct that a copy of these Consent Terms be placed on record before the Single Bench concerned dealing with the contempt petitions and also in Civil Suit No.959 of 2008.

5. Undoubtedly the refund of Court Fees in Suit No.959 of 2008 shall be as per the Rules.

6. All interim applications in the main proceedings will stand disposed off. Interim orders, if any, stand vacated.

7. All concerned to act on an authenticated copy of this order.

(S.J.KATHAWALLA,J.)

(B.H.MARLAPALLE,J.)