

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ARBITRATION PETITION NO.451 OF 2018**

Meher K. Patel	...	Petitioner
versus		
Urvaksh Naval Hoyvoy and Ors.	...	Respondents

Mr. Navroz Seervai, Senior Advocate i/by Ms. Asha Bhambwani, for Petitioners  
Mr. Satish Maneshinde with Ms. Anandini Fernandes, Mr. Rustum Mulla, Mr.  
Harshad Gada i/by M/s. Desai Desai Carrimjee and Mulla, Respondent Nos.1, 9 and  
10.

Mr. Ganesh Vaidya, for Respondent Nos.2 and 6.

Ms. Simeen Shaikh with Ms. Priyanka Gharge i/by M/s. S.K.Srivastav and Co., for  
Respondent Nos.3 and 4.

Mr. Purazar P. Fouzdar with Mr. Rushad Irani, i/by Mr. Purazar P.Fouzdar, for  
Respondent Nos.7 and 8.

Mr. Cyrus Merchant, Mr. Azman Hoyvoy, relatives of Respondent Nos.1, 9 and 10  
present.

Mr. Khushru P. Patel, husband of Petitioner present.

Mr. Yashpal Kaushal, constituted attorney of Binifer Kaushal, Respondent No.2,  
present.

Bakhtiyar K. Irani, son of Respondent No.8 present.

**CORAM: S.J. KATHAWALLA, J.**

**DATE: 30<sup>th</sup> APRIL, 2018  
( In Chambers )**

**P.C.:**

1. The Advocate appearing for M&M Legal Ventures has informed the Court  
that they are desirous of seeking discharge in the above Arbitration Petition. In view  
thereof, M&M Legal Ventures appearing for Defendant Nos.1, 9 and 10 in the above  
Arbitration Petition are discharged. The Vakalatnama of M/s. Desai Desai Carrimjee

and Mulla is taken on record on behalf of Defendant Nos.1, 9 and 10.

2. The learned Advocate for Respondent Nos.2 and 6 undertakes to file Vakalatnama within a period of one week from today. The undertaking is accepted.

2. Respondent No.5 has passed away on 27<sup>th</sup> May, 2015. The Petitioner and Respondent No.8 are the legal heirs of deceased Respondent No.5.

2. The learned Advocates for the parties have tendered Consent Terms dated 28<sup>th</sup> April, 2018. They submit that the Consent Terms be taken on record and the above Arbitration Petition be disposed of in terms of the Consent Terms. The Consent Terms are taken on record and marked 'X' for identification. The Consent Terms are signed by the Petitioner, Respondent No.1, constituted attorney of Respondent No.2, Respondent No.4 for self and as constituted attorney of Respondent No.3, Respondent Nos.6 to 10. The Advocates for the parties have also signed the Consent Terms. All the signatories to the Consent Terms, are present in Chambers. They have stated the Consent Terms are signed by them of their free will and volition and there is no fraud, force and collusion involved. The undertakings recorded in the Consent Terms are accepted. The above Petition is disposed of in terms of the Consent Terms, marked 'X'.

3. The Petitioner Ms. Meher K. Patel who has filed FIR being C.R.No.87 of 2018 before Azad Maidan Police Station, undertakes to remain present before the Additional Chief Metropolitan Magistrate, 64<sup>th</sup> Court, Esplanade, Mumbai on 2<sup>nd</sup>

May, 2018 at 3.00 p.m. She further undertakes to give her no objection to the bail application being allowed as and when filed on behalf of Respondent No.1 - Urvaksh Naval Nariman @ Urvaksh Naval Hoyvoy @ Urvaksh Naval Varvadewalla. Ms. Patel shall also handover a copy of this order to the learned Additional Chief Metropolitan Magistrate, 64<sup>th</sup> Court, Esplanade, Mumbai. The Additional Chief Metropolitan Magistrate, 64<sup>th</sup> Court, shall take this order on record and pass appropriate order on the bail application of Respondent No.1.

4. The Respondent No.1 being released on bail by the learned Magistrate, shall remain present before this Court on 3<sup>rd</sup> May, 2017 at 10.00 a.m., when he shall once again confirm the execution of the Consent Terms as well as its contents.

5. The Respondent No.1 states that he has independently dealt with the suit properties described in the Consent Terms and not as a partner of Parsi Dairy Farm and the continuing partners are in no way concerned with the said dealings. The statement made by Respondent No.1 is accepted as an undertaking given to this Court.

6. The officials of Azad Maidan Police Station/Lock Up shall provide stationery like blank papers, pen, pencil etc., to the Respondent No.1 to enable him to make his notes.

7. The Advocates for Respondent No.1 shall pay Rs.15,000/- as costs, charges and expenses to the Court Officer who had visited Pune as directed by this Court by its order dated 13<sup>th</sup> April, 2018.

8. Stand over to 3<sup>rd</sup> May, 2018. Liberty to apply.

All concerned to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

**(S.J.KATHAWALLA, J.)**