HARSHADA H. SAWANT
(P.A.)

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

SUIT (L) NO.28046 OF 2021
WITH
INTERIM APPLICATION (L) NO.7090 OF 2023
WITH
INTERIM APPLICATION (L) NO.28049 OF 2021

Anurag Kumar Singhania and Ors. .. Plaintiffs / Applicants

Versus

Hemant Garg and Ors. .. Defendants

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- Mr. Anirban Sen a/w. Mr. Saurasubha Ghosh i./by Indus Law for Applicants / Plaintiffs.
- Mr. Ziyad Madon a/w. Ms. Aishwaryajeeta Tawde i./by Kanga and Co., Advocates for Defendant No.1.
- Ms. Shanvi Punamiya a/w. Mr. Mihir Kakade i./by M/s. Jayakar and Partners, Advocates for Defendant Nos.2 and 4.
- Mr. M. A. Shah i./by Auroma Law, Advocate for Defendant No.5.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 30, 2023

P.C.:

1. Heard Mr. Sen, learned Advocate for Applicants / Plaintiffs; Mr. Madon, learned Advocate for Defendant No.1, Ms. Punamiya, learned Advocate for Defendant Nos.2 and 4 and Mr. Shah, learned Advocate for Defendant No.5.

2. Mr. Sen would submit that Plaintiffs and Defendant No.1 have without prejudice to rights and contentions practically worked out a settlement. He would however urge the Court that the name in the Share Certificate of the Suit flat, *inter alia*, pertaining to 50%

shareholding of the Plaintiffs' predecessor is required to be transferred in the name of the Plaintiffs as per the Settlement Deed. The earlier orders passed by this Court refer to the Settlement Deed. If the above transfer on the share certificate is affected, it would enable the parties to effect the settlement.

3. Mr. Shah appearing for the Society submits that the Society shall take appropriate decision and make the appropriate transfer on the share certificate in accordance with the provisions of Maharashtra Co-operative Societies Act, 1960 (for short '**MCS Act**'), Rules framed thereunder and as per the bye-laws of the Society within a period of one week from today subject to co-operation by the parties and statutory compliance. The original Share Certificate is at present held by Defendant No.1. He is directed to submit the same to Respondent No.5 – Society. Let this exercise be completed within a period of one week from today. All parties are directed to co-operate and comply.

4. Ms. Punamiya would submit that she has no instructions from Defendant Nos.2 and 4. If these Defendants have any objection, it shall be raised within a period of one week, failing which appropriate orders / directions shall be passed in the proceedings.

5. Stand over to **06th April, 2023**.

[MILIND N. JADHAV, J.]

SONALI SATISH KILAJE
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