

Court No. - 84

Case :- APPLICATION U/S 482 No. - 13295 of 2022

Applicant :- Sunil Gupta And 6 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Jai Shanker Misra, Indra Deo Mishra, Sr. Advocate, Vijai Shanker Shukla

Counsel for Opposite Party :- G.A., Nipun Singh

Hon'ble Saurabh Shyam Shamshery, J.

1. This Court passed following order on 19.09.2022:

"1. Sri V.P. Srivastava, learned Senior Advocate assisted by Sri J.S. Srivastava, Advocate for applicants and Sri Anurag Khanna, learned Senior Advocate assisted by Sri Nipun Singh, Advocate for Opposite Party No. 2, have agreed to a proposal of the Court that why not a further chance be given to parties to settle the issue, before coming to the merit of the case.

2. Put up for hearing as fresh on 27th September, 2022.

3. Sri Sunil Gupta and Sri Vijay Gupta shall remain present in Court on the next date of hearing.

4. Meanwhile, learned Senior Advocates appearing for parties, are requested to use their good office and pursue their clients to settle the matter.

5. Sri Paritosh Malviya, learned AGA is directed to inform the Trial Court that this Court has ceased with the matter and put up for final hearing on 27th September, 2022."

2. In pursuance of above order Applicant-1, Sunil Gupta and his elder brother, Opposite Party No. 2, Vijay Gupta, are present in person alongwith their sons.

3. The matter was called at 2.00 PM and on request of this Court both brothers happily agreed that they will sit together at Mediation Centre of this Court to take a step towards settlement of their disputes. The Court advised them to sit together like the great brothers, "Ram and Laxman" and hope that they will appear before this Court at 04.00 PM like the said brothers and with a step taken forward together towards amicable settlement.

4. At 4.00 PM hearing took place "in-camera" and Court appreciates that both brothers come together with smiling face and made a joint statement that they

have moved a step forward to settle their dispute ignoring earlier counter allegations. Even their sons, who have spoken with each other after four years, are happy to know about their respective families and they also expressed that it is in the benefit of both families that disputes may be resolved.

5. The Court heard both parties in person for about 15 minutes and they principally agreed that:

(i) the amount (not disclosed, though in the knowledge of parties and their respective Advocates) with Company shall be distributed equally between two brothers and both will act in pursuance of it and possibly they will come with respective cheques of Company in this regard;

(ii) they will prepare their respective chart of properties owned by Company or ancestral as well as their respective status so that it may also be equally distributed in between the brothers.

(iii) the parties will also come with further plan to share profit and liabilities of Company equally and mode of future administration of the Company.

6. The Court also appreciates the endeavour taken by Sri V.P. Srivastava, learned Senior Advocate assisted by Sri J.S. Srivastava, Advocate for applicants and Sri Anurag Khanna, learned Senior Advocate assisted by Sri Nipun Singh, Advocate for Opposite Party No. 2.

7. Let this matter be listed on 12th October, 2022 at 2.00 PM as fresh for further hearing.

8. On the next date Sri Sunil Gupta and Sri Vijay Gupta shall appear in person.

9. At this stage, Sri Vijay Gupta, submits that in case he is not able to appear in person due to his health, his son will appear and he will be bound by the decision taken by his son on his behalf.

10. The Court directs son of Sri Sunil Gupta to remain present in person on the next date of hearing.

11. The Court hopes that at Prayagraj, which is also called as "Teerthraj", the hearts of two brothers will meet like the three rivers (Ganga, Yamuna and Saraswati) meet at Sangam.

Order Date :- 27.9.2022

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