

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****SUIT NO. 283 OF 2014****with****CHAMBER SUMMONS (L) NO. 407 OF 2015****WITH****CHAMBER SUMMONS (L) NO. 406 OF 2015****WITH****CHAMBER SUMMONS (L) NO. 373 OF 2015****WITH****NOTICE OF MOTION NO. 495 OF 2014**

T.K.C. Mohammadali & Ors.

...Plaintiffs

vs.

M/s.S.M. Constructions & Ors.

...Defendants

Mr.Manohar Shetty with Mr.Abhishek Dhoot for Plaintiffs.

Mr.Vachan Bodke with Ms.Madhu Hiraskar i/b. M/s.Chitnis Vaithy & Co. for Defendant Nos.1 to 4.

Mr.N.R. Mody i/b. M/s.Rustomji & Ginwala for Opponent (Prop.Defendant No.5) in CHS 407/2015 newly added Defendant No.5.

CORAM : S.C. GUPTE, J.**10 MARCH 2015****P.C. :**

Not on board. Mentioned.

Learned Counsel for the parties apply for an order, by consent, of joinder of the proposed Defendant No.5, as a party Defendant to the present suit and an order in terms of the Consent Terms between the parties after such joinder. Learned Counsel, accordingly, tender Minutes of Order in Chamber Summons (Lodging) No.407 of 2015 seeking an impleadment of Defendant No.5. The Minutes of Order are signed by the parties as well as their respective Advocates. The Minutes are taken on record, marked "X" for identification. The Chamber Summons is disposed of in terms of the Minutes of Order.

2 The Consent Terms in the suit signed by the parties, who are present in Court, including the newly Defendant Nos.5 to 7 and their respective Advocates are taken on record, marked "X-1" for identification. The statements and undertakings contained therein are accepted and the suit is disposed of in terms of the Consent Terms. There shall be no order as to costs. Refund of Court fees in accordance with the applicable Rules.

3 In accordance with the consent terms, Chamber Summons (Lodging) No.406/2015 is dismissed as withdrawn.

4 Chamber Summons (Lodging) No.373/2015 and Notice of Motion No.495/2014 are dismissed as withdrawn.

(S.C. Gupte, J.)