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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 194 OF 2015
WITH
NOTICE OF MOTION (L) NO. 551 OF 2015

Pawankumar Arya & 5 Ors. ...Plaintiffs
Versus
Ravikumar Arya & 9 Ors. ...Defendants

Mr. Janak Dwarkadas, Senior Advocate, with Mr. Jeejeebhoy & Mr. Vivek Vashi, i/b Bharucha & Partners, for the Plaintiffs.
Mr. Haresh Jagtiani, Senior Advocate, with Mr. Siddhesh Bhole, for Defendants Nos. 1 to 6, 8 and 9.
Mr. Pravin Samdani, Senior Advocate, with Mr. Aftab Diamondwala, i/b M/s. Diamondwala & Co., for Defendant No. 10.

CORAM: G.S. PATEL, J
DATED: 14th August 2015

PC:-

1. The Suit is settled. Consent terms are tendered. These are signed by the Plaintiff No. 3 for himself and on behalf of Plaintiffs Nos. 1 to 6; by Defendant No. 4 for himself and on behalf of Defendants Nos. 1 to 3, 5 and 6; and by a director of Defendant No. 8. The consent terms are also signed by the Advocates for the signatories. Plaintiff No. 3, Defendant No. 4 and the Director of

Defendant No. 8 are personally present in Court. The consent terms are taken on record and marked “X” for identification.

2. The consent terms have several annexures to them. Annexure “A” is a list of flats to be allotted in the redeveloped building to the Plaintiffs group. Similarly, Annexure “B” is a list of flats to be allotted to the rival group, viz., the Ravi Arya Group.

3. Mr. Samdani, learned Senior Advocate on behalf of Defendant No. 10, the developer, states that this division of flats in Annexures “A” and “B” is between the two Arya groups *inter se*. For their part, Mr. Dwarkadas, learned Senior Advocate for the Plaintiffs, and Mr. Jagtiani, learned Senior Advocate for Ravi Arya Group, agree that the division in Annexures “A” and “B” is final *vis-à-vis* Defendant No. 10. They also agree that allotments made and possession given in terms of Annexure “A” and Annexure “B” would constitute a full, sufficient and complete discharge of the 10th Defendant’s obligations under the Development Agreement, as also the individual flat agreements already executed in favour of the parties. In view of these statements made by Mr. Dwarkadas and Mr. Jagtiani, which are on instructions, Mr. Samdani states, on instructions, that his clients, Defendant No.10, will issue the letter a proforma of which is at Exhibit “E” to the consent terms.

4. Mr. Dwarkadas, learned Senior Advocate for the Plaintiffs states on instructions that the Suit is thereupon withdrawn against Defendants Nos. 9 and 10.

5. All the undertakings in the consent terms are accepted as undertakings to the Court.
6. The suit is disposed of in accordance with the consent terms and in accordance with the foregoing portions of this order. The suit also stands disposed of in these terms against Defendant No.7. Decree to be drawn up accordingly.
7. In view of disposal of the Suit, nothing further survives in the Notice of Motion and the same is disposed of.
8. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)