

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

**SUIT NO.158 OF 2015
WITH
NOTICE OF MOTION NO.368 OF 2015**

Devleela Developers and Anr. ... Plaintiffs
versus
Fausta Jostena Philomina D'Souza and Ors. ... Defendants

Mr. H.S.S.Murthy i/by Mr. P.N.Shah, for Plaintiffs.
Mr. S.V.Gavand with Mr. Ditendra Mishra, for Defendant Nos.1 to 3.
Mr. Abhishek Patil, for Defendant No.4.

CORAM: S.J. KATHAWALLA, J.

DATE: 29th JULY, 2015

PC.:

1. The learned Advocates for the parties have tendered Consent Terms dated 29th July, 2015. They have annexed a Memorandum of Understanding (MOU) dated 29th July, 2015 to the Consent Terms. They submit that the Consent Terms and the MOU be taken on record and the Suit 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 Mr. Chetan D. Thakkar, Partner of Plaintiff No.1 and the Chairman of Plaintiff No.2 Society, who is also the Defendant No.4 in the Suit. The Consent Terms are also signed by Defendant Nos.1 to 3. The Consent Terms are also signed by the Advocates for the parties. The signatories to the Consent Terms and one

Mr. Varma who has signed the MOU, all are present in Court. The signatories to the Consent Terms as well as MOU have informed the Court that they have gone through the Consent Terms and the MOU and have understood the contents of the same and have signed the same of their own free will and volition and without any force and coercion. The statement is accepted. They have also joined in their Advocate's request that the Suit be disposed of in terms of the Consent Terms. The undertakings recorded in the Consent Terms are accepted. The Suit as well as the Notice of Motion are disposed of in terms of the Consent Terms, marked 'X'. Refund of Court fees, if any, as per rules. As set out in the Consent Terms, the Decree to act as Conveyance. The Original Power of Attorney is returned to the Advocates for the parties.

2. The vakalatnama filed by Mr. Ditendra Mishra for Defendant No.4 be deleted and the Vakalatnama filed by Mr. Abhishek Patil for Defendant No.4 be accepted.

(S.J.KATHAWALLA, J.)