

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 3071 OF 2015

IN

SUIT (L) NO. 1155 OF 2015

Mr. Shyamkumar R. Wadhwa & Ors. ... Applicants / Plaintiffs

Versus

The Honorary Secretary, New D.N. Nagar

CHSL and Ors. ... Defendants

Mr. Ajay Fernandes i/b. Diamondwala & Company for the Applicants / Plaintiffs.

Mr. A.S. Patil for Defendant No. 1.

Mr. Simil Purohit i/b. Wadia Ghandy and Company for Defendant No. 2.

Mr. S.P. Thorat for Defendant Nos. 3 and 4.

CORAM : S.J. KATHAWALLA, J.
DATED : 15TH DECEMBER, 2015

P.C.

1. The learned Advocate appearing for the Plaintiffs seeks to withdraw the above Suit against Defendant Nos. 2 and 3. Accordingly, the Suit against Defendant Nos. 2 and 3 is allowed to be withdrawn.

2. The learned Advocate appearing for Defendant No. 2 on instructions undertakes that Defendant No. 2 shall be handed over 480 flats along with 480 car parkings to Defendant No. 1 – Society. The undertaking is accepted.

3. The learned Advocates appearing for the Plaintiffs and Defendant No. 1 have now tendered the Consent Terms. They submit that the Consent Terms dated 15th December, 2015 be taken on record and the Suit between the Plaintiffs and Defendant No. 1 as well as the Notice of Motion 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 Plaintiff Nos. 1 to 4 and the Hon. Secretary of Defendant No. 1 – Society. The Consent Terms are also signed by the Advocates for the Plaintiffs and Defendant No. 1. The undertakings recorded in the Consent Terms are accepted. The Suit as well as Notice of Motion are disposed of in terms of the Consent Terms marked 'X'.

4. Refund of Court Fees, if any as per Rules.

(S.J.KATHAWALLA, J.)