

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 1207 OF 2015

Satish Raut ... Plaintiff

Versus

Premnath Jaiswal and Ors. ... Defendants

ALONG WITH
NOTICE OF MOTION (L) NO. 3180 2015
IN
SUIT (L) NO. 1207 OF 2015

Ms. Krishna Raja i/b. L.J. Law for the Plaintiff.

Mr.B.G. Tangsali a/w. Mr. Omkar Nagwekar for Defendant Nos. 1, 3 to 5.

CORAM : S.J. KATHAWALLA, J.
DATED : 9TH DECEMBER, 2015

P.C.

1. On 8th December, 2015 this Court passed the following order :

“1. The learned Advocates appearing for the parties have tendered the Consent Terms dated 8th December, 2015. They submit that the Consent Terms be taken on record and the Suit as well as 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 the Plaintiff and Defendant Nos. 1, 2, 4 and 5. The Defendant No. 3 has put her thumb impression. The Interpreter from the office of the Chief Translator, Bombay High Court has interpreted and explained the contents of the Consent Terms in Marathi to Defendant Nos. 1, 2, 4 and 5, who are present in Court. They have informed the Court that they have understood the contents of the Consent Terms and they have no objection to any of the terms set out in the Consent Terms. They have also informed the Court that they

have signed the Consent Terms of their own free will and volition without any force and coercion.

2. As far as Defendant No. 3 is concerned, she has just been discharged from the hospital and is at her residence at Andheri, Mumbai. She has to put her thumb impression on the Consent Terms and admittedly she is unable to read, write and understand English. In view thereof, the Interpreter from the office of the Chief Translator, Bombay High Court is directed to visit the residence of Defendant No. 3 on 9th December, 2015 at 10.00 a.m. and explain and interpret the contents of the Consent Terms to her in Marathi and once again obtain her thumb impression on page 5 of the Consent Terms only if the terms contained in the Consent Terms are acceptable to her.

3. Place the Suit for passing of an order in terms of the Consent Terms on 9th December, 2015. However, the presence of Defendant Nos. 1, 2, 4 and 5 is dispensed with.

2. Today, the Interpreter from the office of the Chief Translator, Bombay High Court has attended the residence of Defendant No. 3 and after explaining and interpreting the terms to her in Marathi obtained the thumb impression of Defendant No. 3 on the Consent Terms confirming her acceptance.

3. In view thereof, 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.)