

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
APPEAL FROM ORDER (ST) NO.11650 OF 2016 with
CIVIL APPLICATION NO.11651 OF 2016

Chaitanya Chandrakant Gandhi

.. Appellant

vs

Maharashtra Housing & Area Deve.Authority & ors .. Respondents

Mr. Yusuf Khan for Appellant

Ms.Nanki Grewel i/b Wadia Ghandy & Co for Respondent no.4

...
CORAM: ***G.S.KULKARNI, J***
DATE: **3RD MAY, 2016**

P.C.

1. By an order dated 26th April, 2016 the contesting parties (appellant and respondent no.4) had agreed that the issue in appeal can be resolved as the appellant was agreeable for the measurement of the suit structure to be undertaken at the hands of the Municipal Corporation. Accordingly, this Court had passed an order directing the Municipal Corporation to take actual measurements of the suit premises as described in the letter dated 26th April, 2016. Learned counsel for the appellant and respondent no.4 today submit that the issue as to measurement has been resolved and that the area as agreed between the parties shall be taken as 80 sq.ft (Eighty square feet)

2. It is submitted that the appellant and respondent no.4 have arrived at a settlement and Consent Terms are accordingly prepared between these parties. Learned counsel for appellant and respondent no.4 have jointly tendered Consent terms dated 3rd May, 2016 entered between the appellant and respondent no.4 as also initialled by their respective advocates. Consent terms are taken on record and marked 'X' for identification. Undertakings of the parties in the consent terms are accepted.

3. Respondent no.1 is MHADA, respondent no.2 is the Chief Officer of respondent no.1, respondent no.3 is the Executive Engineer of respondent no.1, respondent no.5 is the Municipal Corporation for Greater Mumbai and respondent no.6 is the Assistant Engineer Municipal Corporation. These respondents are not parties to the consent terms, therefore the appeal stand rejected, as against these respondents.

4. Appeal from order is disposed of in terms of the consent terms entered between the appellant and respondent no.4.

5. In view of the disposal of the Appeal Civil Application (St)
No.11651 OF 2016 does not survive and is accordingly disposed of.

G.S.KULKARNI, J

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