

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2571 OF 2012**

M/s. Pest Control (India) Private Limited ...Petitioners
Versus
Chandralok Dahisar Co-op. Housing Society Ltd. ...Respondents
& 2 Ors.

Mr. Sanjay Udeshi, *a/w Mr. Akshay Udeshi and Mr. Darshan Ashar,*
i/b M/s. Sanjay Udeshi & Co., for the Petitioners.
Ms. Priya Diwadkar, *a/w Mr. Sunil Tilokchandani and Ms.*
Subhashreee Chatterjee, i/b M/s. Manilal Kher Ambalal & Co.,
for the Respondent No. 1.
Ms. Mallika Taly, *i/b S. Mahomedbhai & Co., for Respondent No. 2.*

**CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**
DATED: 22nd January 2016

PC:-

1. Mr. Udeshi appearing for the Petitioners states, on instructions, that the entire controversy in the present Petition is resolved to the satisfaction of the contesting parties and they have drawn up the Consent Terms. Though the order of the Deputy Registrar directing issuance of deemed conveyance is challenged in this Petition, the contesting parties having resolved the issues, we allow the Consent Terms to be tendered.

2. Since the Respondent Nos. 2 and 3 are being deleted at the risk of the Petitioners and the other parties, we direct their deletion as party Respondents to this Petition.

3. The original Consent Terms were presented to the Registry and the Registry has filed a report on being satisfied with the identity of the parties. The Registry has also in the report indicated that the Consent Terms with all their implications and legal consequences were explained to the parties. One of the Petitioners are a corporate entity whereas the 1st Respondent is a Cooperative Housing Society. Those in charge of administration and management of the Cooperative Housing Society have perused the terms, understood them and placed them before the Managing Committee. The Managing Committee being duly authorised has resolved to accept the said terms.

4. After having perused the terms and the report of the Registry we are satisfied that the Petitioners are seeking postponement of the obligation under the Maharashtra Ownership Flats Act so as to take up the work in terms of the Consent Terms. They have also been assisted by the 1st Respondent-Society in as much as certain flats would be handed over. The Petitioners would carry out the works in terms of Consent Terms. In the event of default, all implications and consequences in law, including as set out in the Consent Terms will follow.

5. Such directions do not violate any provisions of law or public policy. The terms have been arrived at after mutual negotiations and there is no allegation of any fraud, coercion or undue influence.

6. In these circumstances, the Petition is disposed of in terms of the Consent terms. The signatories to the Consent Terms have been duly authorised by their respective legal entities to append their signatures and tender these terms in Court. The Terms being filed today shall bear today's date. They would be marked "X" for identification.

(G. S. PATEL, J.)

(S. C. DHARMADHIKARI, J.)