

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

**CHAMBER SUMMONS NO.1538 OF 2015
IN
EXECUTION APPLICATION NO.539 OF 2016
IN
SUIT NO.2119 OF 2008**

Pouruchis P. Bhiwandiwalla & Anr.Plaintiffs
V/s.

Mazda Construction Co. Pvt. Ltd. & Anr.Defendants

Ms. Armin Wandrewala, plaintiff no.2 present in person.
Mr. Yogesh Gaikwad i/b. Yasmin Bhansali & Co. for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 30th JUNE, 2016

P.C.:-

1 On 14th July, 2008 consent decree was passed in terms of the consent terms filed by the parties in the present suit and the undertakings given by the defendants to the court were also accepted. On 8th May, 2014, consent order was passed in terms of the further consent terms filed by the parties in the present suit and the undertakings given by the defendants and Pujit Aggarwal, who also personally guaranteed performance of the further consent terms as also the 2008 consent decree were accepted.

2 Since the defendants and the said Pujit Aggarwal failed to comply with the consent decree/order and also failed to honour undertakings given, inter alia contempt petition no.7 of 2016 and execution proceedings for monetary compensation payable under the consent decree/order was filed. After the hearing was completed in the said contempt petition no.7 of 2016 and orders thereon reserved, the defendants/Pujit Aggarwal paid to the plaintiffs a sum agreed upon by the parties and accordingly, consent terms were entered into between the parties in contempt petition no.7 of 2016 on 15th June, 2016 and order in terms thereof was passed on 22nd June, 2016.

3 Accordingly, the consent decree dated 14th July, 2008 read with the consent order dated 8th May, 2014 stand satisfied and the parties requested that such satisfaction be recorded by this Hon'ble Court and the consent decree dated 14th July, 2008 read with consent order dated 8th May, 2014 were marked as duly satisfied in execution application no.539 of 2016 in suit no.2119 of 2008.

4 In view of the above, the execution application no.539 of 2016 stands disposed.

5 The counsel for the applicant seeks leave to withdraw the chamber summons. The chamber summons stands disposed as withdrawn.

(K.R.SHRIRAM,J)