

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1338 OF 2007

Bank of Baroda

..Petitioner

Versus

Saraswati Sadan Co-operative

Housing Society Limited and another

..Respondents

Mr. R. M. Bhandari for the Petitioner.

Mr. Bhupendra Jain, Branch Manager of the Petitioner present.

Mr. Sanjit K. Singh, Manager of Respondent No.1 present.

CORAM : R. M. SAVANT, J.

DATE : 14th FEBRUARY, 2017

PC.

1 The Learned Counsel for the Petitioner Mr. R. M. Bhandari tenders Consent Terms bearing today's date i.e. 14.02.2017. The said Consent Terms evidence the settlement arrived at between the parties. The said Consent Terms have been signed by Mr. R. M. Bhandari on behalf of the Petitioner Bank and by the Chairman and Secretary of the Respondent society. In terms of the Consent Terms and especially clause (2) thereof, the Petitioner has agreed and admitted to pay a sum of Rs.59,38,579.00 to the Respondent No.1 society. The Consent Terms as indicated above evidence the settlement in respect of conferring membership of the Respondent No.1 society on the Petitioner Bank. The Branch Manager of the Bhulabhai Desai Road Branch of the Petitioner Bank Mr. Bhupendra Jain is personally present in Court. He identifies the

signature of Mr. Shridhar Rao, Deputy General Manager. He further states that the Consent Terms are acceptable to the Petitioner Bank and that Mr. Shridhar Rao has signed them pursuant to the authorization given to him by the management of the Petitioner Bank. The Manager of the Respondent No.1 society Mr. Sanjeet K. Singh is personally present in Court and has produced authority letter given to him by the Respondent No.1 society authorizing him to remain present in this Court on behalf of the Respondent society. He identifies the signature of the Chairman Mr. Niyogi Shah and also identifies the signature of Mr. Hiten R. Mahimtura which are annexed to the Consent Terms. He states that the Consent Terms are acceptable to the Respondent No.1 society and that the Consent Terms have been signed by the Chairman and the Secretary pursuant to the resolution passed in the special general body meeting of the society held on 30.11.2016. The text of which is annexed to the Consent Terms. The Consent Terms are paginated from 1 to 5. The Consent Terms are taken on record and marked as "X" for identification. The Petition is disposed of in terms of the Consent Terms.

[R.M.SAVANT, J]