

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

*CIVIL REVISION APPLICATION NO.871 OF 2011*

*Bombay Mercantile Co-operative Bank Ltd. ... Applicant*  
*vs.*  
*M/s. D.B. Futnani & Sons (BOM) Pvt. Ltd. ... Respondent*

*WITH  
CIVIL APPLICATION NO.129 OF 2015  
IN  
CIVIL REVISION APPLICATION NO.871 OF 2011*

*M/s. D.B. Futnani & Sons (BOM) Pvt. Ltd. ... Applicant*  
*vs.*  
*Bombay Mercantile Co-operative Bank Ltd. ... Respondent*

Mr. Rajesh Maravoor i/b M/s. Maravoor Wamorkar & Co. for the Applicant in Civil Application No.129 of 2015 and original Respondent.  
Mr. M.H.A. Sayyid – Original Applicant now appear.

Ms. Dilkhush P. Balsara, Officer (Legal Department), for Original Applicant present in Court.  
Mr. Madhusudan Futnani – Director of Original Respondent present in Court.

***CORAM : N.M. Jamdar, J.***

***DATED : 16 February, 2017***

**ORAL ORDER**

Not on board. Taken on production board by way of  
praecipe.

2           The learned Counsel states that he is appearing on behalf of the Applicant Bank and seeks to tender his Vakalatnama. He states that no objection has been taken from the earlier Advocate. The learned Counsel for the Applicant undertakes to file Vakalatnama within a period of one week. Subject to this undertaking and examination by the Registry of the Vakalatnama, the following order is passed.

3           The learned Counsel for the parties state that the Applicant Bank is handing over the possession of the suit premises as well as has agreed to pay the arrears of compensation as specified in the Consent Terms which have been executed between the parties. The learned Counsel for the parties further states that after the possession is handed over, the parties will enter into a fresh leave and license agreement.

4           The learned Counsel for the Applicant states the Consent Terms are signed by the Officer of the Legal Department of the Applicant Bank and he seeks to place the authorization on behalf of the Officer, Legal Department, on record. The learned Counsel on behalf of the Respondent states that the Consent Terms are signed by the Director of the Respondent. The learned Counsel for the parties state that their respective parties/clients are present in the Court and have understood the Consent Terms.

5 I have gone through the Consent Terms. There is nothing inconceivable about the Consent Terms. Accordingly, the Consent Terms are taken on record and marked as 'X'. All undertakings given in the Consent Terms are accepted. The authorization letters are also taken on record and marked as 'X-1' and 'X-2' respectively. The Civil Revision Application is disposed off in terms of Consent Terms.

6 The Civil Application does not survive, is accordingly disposed off.

**(N.M. Jamdar, J.)**