

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

FIRST APPEAL NO. 1910 OF 2008

Chetan S. Jain ..Appellant

V/s.

The Mumbai Housing and
Area Development Board ..Respondent

Ms Aparna Deokar i/b M/s. M.P. Vashi and Associates for the Appellant.

Mr. S.P. Thorat for Respondent Nos.1 to 3.

Mrs. Madhuri More for Respondent No.4-BMC.

Mr. S. Banerjee i/b Ranjit & Co. for Respondent No.6.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 18th AUGUST 2017.

P.C.

1] Upon urgent mentioning, taken on Production Board.

2] Parties present through their counsel.

3] The appellant-original plaintiff is present and respondent No.6 is also present.

4] The Consent Terms are filed by the appellant-original plaintiff and respondent No.6.

5] Learned counsel for the appellant and respondent No.6 submit that respondent No.5, who is brother of respondent No.6, has passed away on 20th August 2010. Learned counsel for respondent

No.6 (defendant No.6) submits that it was a joint venture by the two private parties, i.e., defendant Nos.5 and 6. Hence, respondent - defendant No.6 alone has signed the consent terms.

6] The Consent Terms are signed by the appellant-original plaintiff, respondent No.6 and their respective counsel. The Consent Terms dated 19th July 2017 are taken on record and marked as “**Exhibit-1**” for identification. The Consent Terms are accepted and in view of the Consent Terms the dispute between the plaintiff and defendant No.6 is settled.

7] Learned Counsel for Respondent Nos.1, 2 and 3 / MHADA submits that MHADA is not a party to the Consent Terms and, therefore, subject to the Rules and Regulations under the MHADA Act, these consent terms can be implemented as MHADA reserves its rights.

8] It is made clear that respondent Nos.1 to 3 and respondent No.4 are not party to the Consent Terms.

9] First Appeal is disposed of in terms of Consent Terms. Decree is to be drawn accordingly.

(MRIDULA BHATKAR, J.)