

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

FIRST APPEAL NO.1934 OF 2008

Dhiren Modi

... Appellant

Vs.

1) Damayanti A. Modi

2) Amish Modi

... Respondents

Mr.S.Murthy with V.C. Murlidharan i/b M/.sJoy Legal Consultants
for the Appellant

Mr.Dharmesh Joshi i/b T.D. Joshi & Associates, for Respondent
Nos.1 & 2

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 10, 2017**

P.C. :

1. Learned Counsel for the Respondents informs the Court that pursuant to the order dated 29.6.2017 passed by this Court, the respondents have withdrawn the B.C.C.C. Suit No.7085 of 2006 which was pending before the City Civil Court.

2. Consent terms signed by the parties and their respective advocates are tendered. The learned Counsel for both the parties submit that the parties undertake to comply with the terms and conditions mentioned in the consent terms. The consent terms are taken on record and marked 'Exhibit 1' for identification. The

parties are in agreement that the original gift deed produced in B.C.C.C. Suit No.7085 of 2006 be returned to the appellant Mr.Dhiren Modi and the original agreement for sale, which is produced in the present appeal, be returned to Ms.Damayanti Modi, respondent No.1 herein.

3. In view of the above, the Bombay City Civil Court shall return the gift deed and the original documents produced in the B.C.C.C. No.7085 of 2006 to Mr.Dhiren Modi after obtaining photocopies of all the documents on record. Further, the Registry of this Court to allow Mr.Amish Modi, Respondent No.2 herein, to withdraw the original agreement for sale of the year 1997 pertaining to flat No.B-404, Jyoti Tower, after obtaining a photocopy of the same and placing it on record.

4. Both the parties, who are present before the Court, through their learned Counsel, make statement before the Court that they are ready to withdraw all their complaints, allegations made against each other and against the society or its office bearers, if any. The statements made by the learned Counsel and the parties are accepted.

5. First Appeal is disposed of in terms of consent terms and also in view of the above undertakings.

(MRIDULA BHATKAR, J.)