

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 539 OF 2017  
WITH  
CIVIL APPLICATION NO. 691 OF 2017 IN A.O.NO. 539 OF 2017**

Mrs. Radhika Jayesh Kini ... Appellant/Applicant  
Vs.  
Jagadusha Nagar 'Avadhut' Co-op.  
Housing Society Ltd. & Ors. ... Respondents

**APPEAL FROM ORDER (ST.) NO. 22796 OF 2017  
WITH  
CIVIL APPLICATION (ST.) NO. 22797 OF 2017**

Kumar Housing Corporation Pvt. Ltd. ... Appellant/Applicant  
Vs.  
Radhika Jayesh Kini & Ors. ... Respondents

Mr. J.S. Kini i/b. Mr. Suresh Dubey, Advocate for the appellants/applicants in A.O. No. 539 of 2017.  
Mr. Mukesh Gupta i/b. Solicis Lex, Advocate for respondent no. 1 in A.O. 539 of 2017 and respondent no. 3 in AO(ST.) 22796/2017.  
Ms. Sayli Apte h/f. Mr. P.G. Lad a/w. Ms. Bhavana Umredkar i/b. Udwadia & Co., Advocate for respondent nos. 2 and 3 in AO/539 of 2017 and for the appellant in AO(ST.) No. 22796 of 2017.

**CORAM: MRS.MRIDULA BHATKAR, J.  
DATE: 27<sup>th</sup> September, 2017.**

**P.C.:**

The learned counsel the appellant, respondent nos. 2 and respondent no. 3 in Appeal from Order No. 539 of 2017 submit that the consent terms are agreed between the appellant, i.e. flat purchaser, respondent No. 2/builder and respondent No. 3/Director of

respondent No. 2. The learned counsel for the appellant, respondent nos. 2 and 3 submit that no relief is sought against respondent No. 1/Society. Therefore, this consent terms is to be taken on record and the Appeal can be disposed of as per the consent terms.

2. The consent terms is signed by the appellant, respondent No. 2, respondent No. 3 and their respective counsel. The undertaking mentioned in the consent terms is accepted. The consent terms is taken on record and marked as Exhibit 1. Decree to be drawn as per the terms and conditions of the consent terms.

3. Appeal from Order No. 539 of 2017 is disposed of. Civil Application is also accordingly disposed of.

4. The builder/Kumar Housing Corporation Pvt. Ltd. has filed separate Appeal bearing St. No. 22796 of 2017 against the judgment and order dated 10<sup>th</sup> July, 2017 passed by the learned Judge of the City Civil Court, Mumbai.

5. In view of the consent terms filed in Appeal from Order No. 539 of 2017, Appeal from Order (St.) No. 22796 of 2017 filed by the

appellant/builder is also disposed of. The trial Court to decree the suit in terms of the consent terms.

6. Civil Application (St.) No. 22797 of 2017 is also accordingly disposed of.

**(MRIDULA BHATKAR, J.)**