

Ms. Rachana Kapasi Shah i/by M/s. Pimenta & Kapasi and Co., for Plaintiff.
Mr. Karl Tamboly with Mr. S. Shrivastava, Mr. T. Shrishail Kapadia i/by M/s. Link
Legal India Law for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 24th JANUARY, 2017

P.C.:

1. Heard the learned Advocates for the parties. Perused the Notice of Motion and the Affidavit in support thereto. Also perused the Affidavit in Reply filed by the Plaintiff and the order passed by the Prothonotary and Senior Master dated 15-04-2002 and the decision of the Division Bench of this Court in Mont Blanc Properties and Industries Ltd. V/s. Mont Blanc Co-op. Hsg. Society Ltd., and Anr.¹

2. Keeping in mind the facts that the Defendant has already deposited an amount of Rs.5 Crores in Court pursuant to the order dated 16-11-2000 passed in the Summons for Judgment No.421 of 1997 and the Plaintiff has been allowed to withdraw the said amount, the Written Statement and the Counter Claim of the Defendant is

1 (2009) 2 Bom. C.R. 505

taken on record, subject to all contentions of the parties being kept open and further subject to the Defendant paying cost of Rs.2,00,000/- within a period of four weeks from today. The Defendant as well as Plaintiff have agreed that the cost of Rs.2,00,000/- shall be paid as under :

(i) Rs.1,00,000/- shall be paid to the Plaintiff;

(ii) Rs.1,00,000/- shall be paid to the Victim - Mr. Kirti S. Manasat, who has met with a railway accident on 28th December, 2016 and thereafter his right leg is amputated.

3. The Notice of Motion is accordingly disposed of.

4. Place the Suit for Framing of Issues on 7th February, 2017.

(S.J.KATHAWALLA, J.)