

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

**SUIT (L) NO.59 OF 2017
WITH
NOTICE OF MOTION (L) NO.57 OF 2017**

Ashok Odhrani	...	Plaintiff
versus		
M/s. A. Surti Developers Pvt. Ltd.	...	Defendant

Mr. Viral Shukla with Ms. Priti Patel i/by M/s. Shukla and Associates, for Plaintiff.
Mr. A.A.Kumbhakoni, Senior Advocate with Mr. Shardul Singh i/by Mr. Akshay Shinde, for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 3rd MARCH, 2017

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. This Application is for Speaking to the Minutes of the Order dated 1st March, 2017.
3. The Order passed in Suit (L) No.58 of 2017 along with Notice of Motion (L) No.56 of 2017 dated 1st March, 2017 is recalled and the following order is passed in the above Suit as well as in the Notice of Motion :

"1. The learned Advocate for the Defendant undertakes to file Vakalatnama within a period of one week from today. The undertaking is accepted.

2. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The Defendant agrees and undertakes to pay to the Plaintiff an amount of Rs.10,000/- per sq.ft. which aggregates to Rs.1,39,50,000/- in full and final settlement of the claim of the Plaintiff against the Defendant.

(ii) The said amount of Rs.1,39,50,000/- shall be paid by the Defendant to the Plaintiff as follows :

Rs.34,87,500/- on or before 01-04-2017

Rs.34,87,500/- On or before 01-07-2017

Rs.34,87,500/- On or before 01-10-2017

Rs.34,87,500/- On or before 01-01-2018

(iii) The Defendant undertakes to handover post dated cheques of Bank of Baroda, Bandra Branch, to the Plaintiff within a period of one week from today.

(iv) Until the entire amount is paid to the Plaintiff, the Defendant shall not sell, alienate, encumber, part with possession and/or create third party rights in respect of Flat No.1201 Wing D shaded in yellow on the plan which is taken on record and marked 'X' for identification.

(v) Upon payment of the entire amount by the Defendant to the Plaintiff, the parties shall have no claim of any nature against each other.

(vi) In view of the above, the Suit as well as Notice of Motion stand disposed of. Refund of Court Fees, if any, as per rules.

(vii) Liberty to apply."

4. Application for Speaking to the Minutes is accordingly disposed of.

(S.J.KATHAWALLA, J.)