

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.352 OF 2014
WITH
NOTICE OF MOTION NO.2240 OF 2008
WITH
NOTICE OF MOTION NO.905 OF 2016
IN
SUIT NO.1620 OF 2008**

Amcon Developers Pvt. Ltd., Mumbai

....Plaintiff

Vs.

Adarsh Sahwas Co-op.Housing Society
Limited & Ors.

....Defendants

Mr. Yogesh N. Adhia for the Plaintiff.

Mr. Akbar Lalani-Managing Director of Plaintiff present in court.

Mr. Rohaan Cama a/w Mr. Chandra Naik i/by M/s. Chandra Naik and Associates for defendant nos.1 and 2.

Mr. Sangramsinh Yadav for defendant no.13.

Mr. A.B. Fernandes, Mrs. Ireme Monterio and Mr. D.C. Monterio Representative of defendant no.1; Ms. Mildred Pinto - defendant no.2, Mr. Shyam Dattatray Tilve for defamation no.3(a); Mr. Madhukar Amarnath Dube - defendant no.4(a); Mr. D.C. Monterio – defendant no.5; Ms. Treme Monterio – defendant no.6; Mr. A.B. Fernandes – defendant no.7; Mrs. A. Rodrigues – defendant no.8; Mr. Ireme Monterio – Constituted Attorney of defendant no.9; Mrs. Shanaz Watter Tauno – defendant no.10(a); Mr. Brain Rodrigues – defendant no.11(a); Mr. Herman Carnerio – Constituted Attorney of defendant no.12; Mr. Kiran Kothari – Partner of defendant no.13, are present in court.

CORAM : K.R.SHRIRAM, J.

DATE : 27th SEPTEMBER, 2017

P.C.:

1. Mr. Rohaan Cama, counsel appearing for defendant nos.1 and 2 states that defendant nos.3, 9, 10 and 11 have expired and in their place,

legal heirs have to be brought on record. Mr. Cama also states that one M/s. Lotus Developers have also to be brought on record as defendant no.13. Mr. Cama further states that defendant no.4 has since transferred the flat to one Mr. Madhukar Amarnath Dube, who also has to be brought on record as defendant no.4(a).

2. Mr. Yogesh Adhia, counsel appearing for Plaintiff and Mr. Sangramsinh Yadav, counsel appearing for defendant no.13. have no objection.

3. Leave to amend the suit is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

4. Mr. Yogesh Adhia, Mr. Rohaan Cama and Mr. Sangramsinh Yadav, state that the parties have amicably settled the suit and tendered consent terms. Consent terms dated 27.09.2017 signed by the Director of Plaintiff, Hon.Chairman/Secretary/Member of defendant no.1, defendant nos.2 to 13 and their respective Advocates are taken on record and marked 'X' for identification.

5. All undertakings given in the consent terms are accepted.

6. Suit accordingly stands disposed in terms of consent terms.

7. In view of disposal of the suit, Notice of Motion Nos.2240 of 2008, 352 of 2014 and 905 of 2016 also stand disposed.

8. Refund of Court fees, if any, in accordance with Rules.

(K.R. SHRIRAM, J.)