

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL SUIT NO.501 OF 2017
ALONGWITH
NOTICE OF MOTION NO.407 OF 2017
IN
COMMERCIAL SUIT NO.501 OF 2017**

Rishi Rajani ... Applicant/Plaintiff

In the matter between :

Rishi Rajani ... Plaintiff

Versus

Real Gem Buildtech Pvt. Ltd &

Others

... Defendants

.....

Mr. Cyrus Ardeshir a/w Mr. Maneck Mulla & Ms. Akshita Palvia i/b Palvia i/b M. Mulla Associates for the Plaintiff/Applicant.

Mr. Rishi Rajani, Plaintiff in person present.

Mr. Dinyar Madon, Senior Counsel a/w Ms. Rujuta Patil and Ms. Niyathi Kalra i/b Negandhi, Shah and Himayatullah for Defendant No.1.

Mr. Gopal Reddy and Mr. Mehul Kataria, both authorised signatories of Defendant No.1 present in person.

Mr. Soura Ghosh a/w Ms. Deeksha Jani i/b Hariani & Co. for Defendant No.2.

.....

CORAM : S.C.GUPTE, J.

DATE : 9 OCTOBER 2017

P.C. :

. The suit is for specific performance of an agreement for sale of the suit flat. The parties tender consent terms signed by both parties and their respective Advocates. The parties request for disposal of the suit in terms of the consent terms. The parties further request that the consent terms,

marked for identification, be kept in a sealed envelope with the Office of the Plaintiff's Advocates, M/s M. Mulla Associates, upto 15 May 2020, on which date the Advocates may hand over the consent terms to the Advocates of Defendant Nos.1 and 2.

2 Consent terms are accordingly marked 'X' for identification and after accepting the statements and undertakings contained therein, the same are handed over to M/s M. Mulla Associates, Advocates for the Plaintiff. The consent terms shall be kept in a sealed envelope by the Advocates upto 15 May 2020. On 15 May 2020, these consent terms shall be handed over to the Advocates of Defendant Nos.1 and 2. One set of the consent terms shall be filed in the Court on that date.

3 The Plaintiff confirms having received a sum of Rs.20,00,000/- from out of the amount provided for in the consent terms by way of a post-dated cheque of 25 October 2017. The amount is accepted by the Plaintiff, subject to realization. It is also agreed between the parties that the cheque for the balance amount shall be handed over by Defendant No.1 to the Plaintiffs within 24 hours in terms of the consent terms.

4 The suit is disposed of.

5 Refund of court fees in accordance with the applicable Rules.

6 In view of the disposal of the suit, the notice of motion does not survive and the same is also disposed of.

6 This order is passed in the presence of the Plaintiff and Mr. Gopal Reddy and Mr. Mehul Kataria, the authorised representatives of Defendant Nos.1 and 2, both of whom are present in the Court.

(S.C. GUPTE, J.)