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

SUMMONS FOR JUDGMENT NO. 48 OF 2017
IN
COMMERCIAL SUIT NO. 209 OF 2017

Mr Gaurishankar Jhalani ...Applicant/Plaintiff
vs
M/s Ahuja Properties & Developers & Ors. ...Defendants

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Mr Girish B. Kedia for the Applicant/Plaintiff.
Mr Zal Andhyarujina a/w Mr Shrey Sancheti & Ms Dipali
Chimane i/b S.K.Srivastav & Co. for the Defendants.

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CORAM : **B.P.COLABAWALLA, J.**
DECEMBER 06, 2017.

P.C.:

The parties have entered into a settlement and have filed the consent terms before me dated 6th December, 2017. These consent terms *inter alia* provides that the Defendants shall jointly and severally pay to the Plaintiff an amount of Rs.1,52,36,925/- in 20 installments more particularly set out in paragraph 1(a) of the consent terms. In paragraph 2 it has been recorded that on and after execution of these consent terms, the Plaintiff shall not proceed in any of the matters filed against the Defendants and/or other entities of the partners of the

Defendants in various Courts and/or authorities which includes the Petitions, the proceedings filed in the High Court, Criminal Complaints under Section 138 of the Negotiable Instruments Act, 1881 (“N.I.Act,1881”), Summary Suits, other Criminal Complaints and such other proceedings initiated by the Plaintiff till the Defendants abide by the terms agreed in these consent terms. In case the Defendants commits default in payment as per the consent terms, the Plaintiff is entitled to proceed with the proceedings filed under Section 138 of the N. I. Act, 1881. The consent terms have been duly signed by the Plaintiff and the Defendants as well as their respective advocates. The Plaintiff as well as Defendant Nos.2 and 3 who are the partners of Defendant No.1 are also present in the Court today. The consent terms are taken on record and marked “X” for identification. There shall be a decree in terms of the consent terms. No order as to costs. Refund of court fees, if any, as per rules. Considering that the suit itself is disposed of, nothing survives in the Summons for Judgment and the same is disposed of accordingly.

(B. P. COLABAWALLA, J.)