

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUIT NO.162 OF 2016
WITH
NOTICE OF MOTION NO.41 OF 2016**

Shell Inn International Pvt. Ltd. and Ors. ... Plaintiffs
versus
Tourism Finance Corporation of India
Ltd. and Ors. ... Defendants

Mr. D.D.Madon, Senior Advocate with Mr. Chirag Mody, Mr. Munaf Virjee, Mr. Nausher Kohli i/by M/s. DSK Legal, for Plaintiffs.

Mr. Vinod Kothari with Mr. Merchant i/by M/s. Apex Law Partners, for Defendant No.1.

Mr. Prakash Panjabi i/by M/s. Prakash Panjabi and Co., for Defendant No.2.

Mr. Zal Andhyarujina with Mr. Rishi Soni, Ms. Priyanka Fadia i/by Mr. Shashank Fadia, for Defendant Nos.3 and 4.

CORAM: S.J. KATHAWALLA, J.

DATE: 5th MAY, 2017

P.C.:

1. The learned Senior Advocate appearing for the Plaintiffs states that he is not pressing the Suit against Defendant No.2. The Suit is therefore, dismissed against Defendant No.2 as not pressed.

2. The learned Advocates for the parties have now tendered Consent Terms dated 4th May, 2017. They submit that the Consent Terms be taken on record and the Suit between Plaintiff and Defendant No.1 be disposed of in terms of the Consent Terms. The Consent Terms are taken on record and marked 'X' for

identification. The Consent Terms are signed by Plaintiff Nos.1 to 5 and the Deputy General Manager (Legal) of Defendant No.1. The learned Advocate for the Plaintiffs and Defendant No.1 have also signed the Consent Terms. The undertakings recorded in the Consent Terms are accepted. The Suit is disposed of in terms of the Consent Terms, marked 'X'. Refund of Court Fees, if any, as per rules. Notice of Motion No.41 of 2016 also stands disposed of.

3. The learned Advocate for Defendant No.2 objects to the Consent Terms being filed between the parties in view of paragraph Nos.3, 4 and 5 of the Consent Terms and in view of the fact that no reliefs were claimed against Defendant No.2 even in the Suit. I see no substance in the objection raised by the learned Advocate for Defendant No.2. In any event, Defendant No.2 shall be at liberty to take out its own independent proceedings against any party if it so chooses.

4. The learned Advocate for Defendant Nos.3 and 4 undertakes to file Vakalatnama within a period of one week from today. The undertaking is accepted.

(S.J.KATHAWALLA, J.)