

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO. 165 OF 2018
IN
Civil Revision Application NO. 539 OF 2012

Mr.Mahesh Vrajlal Babaria	...Applicant
<i>Versus</i>	
M/s. Trinity Town Development And Finance Pvt.Ltd. and Ors.	...Respondents

....

Mr. Suhas Oak i/b. Mr. Sagar Joshi, Advocate for the Applicant.
Mr. Mahesh Rawool i/b. A.B. Avhad, Advocate for Respondents No.1, 8 and 9.
Mr. Omkar Nagvekar i/b. B.L. Tangsali, Advocate for Respondents No.2 to 7.

Mr. Mahesh Vrajlal Babaria, Applicant is present in person.
Mr.Sharad Kirit Babaria, POA for Respondents No.2 to 7 is present in person.
Mr. Sandeep Omprakash Koyate, POA for Respondents No.1, 8 and 9 is present in person.

....

CORAM : R. G. KETKAR, J.

DATE : 13th FEBRUARY, 2018
[IN CHAMBER AT 2:35 P.M.]

PC.

1. Heard Mr.Suhas Oak, learned Counsel for the applicant, Mr. Mahesh Rawool, learned Counsel for respondents No.1, 8 and 9 and Mr. Omkar Nagvekar, learned Counsel for respondents No.2 to 7, at length.
2. By this application, the applicant has prayed for substitution

of the consent terms dated 22.12.2016 at Exhibit-B by the consent terms annexed at Exhibit-C to this application with a further prayer to issue direction for drawing the decree accordingly.

3. Mr. Rawool has tendered affidavit-in-reply filed on behalf of respondents No.1, 8 and 9 and has consented for allowing the application in terms of prayer clause (a). Mr. Nagvekar states that respondents No.2 to 7 have no objection for allowing the application in terms of prayer clause (a).

4. By order dated 22.12.2016, Civil Revision Application No.539/2012 was disposed of in terms of the consent terms entered into by and between respondents No.1, 8, 9, 2 to 7 and the applicant herein. The undertakings, declarations and confirmations given in the consent terms were accepted. The consent terms are annexed at Exhibit-B to this application

5. By this application, the applicant has prayed for substitution of the consent terms at Exhibit-B to this application by consent terms at Exhibit-C to this application. The consent terms at Exhibit-C are signed by the applicant, the power of attorney holder of respondents No.1, 8 & 9 and the power of attorney holder of respondents No.2 to 7 as also by the respective Advocates. The consent terms at Exhibit-C to the

application are taken on record and marked “Y” for identification.

6. After perusing the consent terms as also having regard to the fact that the parties herein are consenting for allowing the application in terms of prayer clause (a), I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms at Exhibit-C to this application. The undertakings, declarations and confirmations given in the consent terms are accepted.

7. Civil Application is allowed in terms of prayer clause (a) with no order as to costs. The decree shall be drawn as per the consent terms at Exhibit-C to this application. Order accordingly.

(R.G. Ketkar, J.)