

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.122 OF 2014
IN
CONTEMPT PETITION NO.41 OF 2012

Mumtaz Abdul Latif Khan through her C.A.
Abdul Latif Shaikh ... Petitioner
Vs.
Nityanand Builders & Developers and others ... Respondents

Mr. S. K. Dubey for Petitioner.
Mr. Ramesh Jain for Respondents.

CORAM : R. G. KETKAR, J.
DATE : JUNE 12, 2018

P.C. :

Not on Board. At the joint request of the learned Counsel for the parties, taken up in the production Board.

2. Heard Mr. Dubey, learned Counsel for the petitioner and Mr. Jain, learned Counsel for the respondents.

3. Learned Counsel for the parties have tendered consent terms duly signed by the Constituted Attorney of the petitioner - Abdul Latif Khan, husband of the petitioner and by the respondents. Mr. Jain states that respondents have paid a sum of Rs.15,00,000/- towards full and final claim of the petitioner in respect of flat No.401 admeasuring 408 sq.ft. Built up area on the 4th floor, B-Wing, Sattelite Apartment, Anand Nagar, Jogeshwari (West), Mumbai - 400 102 (for short 'said flat'). Along with the consent terms, photocopies of Demand Drafts in the sum of Rs.14,00,000/- and Rs.1,00,000/- drawn on 26.03.2018 are enclosed. Mr. Dubey confirms receipt of the Demand Drafts. In clause 6 of the consent terms, it is agreed between the parties that on execution of the

consent terms, petitioner undertakes to this Court to withdraw the complaints bearing No.1847/SS/2016 and 1848/SS/2016 pending before the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai under Section 138 of the Negotiable Instruments Act, 1881 on the next date of hearing and the said complaints be treated as settled in terms of the consent terms.

4. Mr. Dubey states that husband of the petitioner, who is her Constituted Attorney, is present in the Court. He has tendered photocopy of his Aadhar Card. Mr. Jain states that respondents No.2 and 3 are present in the Court. Respondent No.3 is partner of respondent No.1. The consent terms duly signed by the parties and their Advocates is taken on record and marked 'A' for identification. A photocopy of Aadhar Card of the petitioner is taken on record and marked 'B' for identification. Photocopies of Aadhar Cards of respondents No.2 and 3 are taken on record and marked 'C colly.' for identification. Parties admit and confirm the correctness of the consent terms. Learned Counsel for the parties submit that Contempt Petition may be disposed of in terms of the consent terms.

5. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. The Contempt Petition is accordingly disposed of in terms of the consent terms. Undertaking given by the petitioner in paragraph 6 of the consent terms is accepted. Order accordingly.

(R. G. KETKAR, J.)