

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13043 OF 2016
WITH
WRIT PETITION NO. 13044 OF 2016

Nira W. Patil and ors. .. Petitioners
vs.
M/s. Siddhivinayak Developers .. Respondent

Ms Minal V. Chavan for the Petitioners.
Mr. U.L. Shah for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 28 MARCH 2018.

P.C. :-

1] After these matters were argued for some time, learned counsel for the parties, on the basis of instructions from their respective clients, request that both these petitions can be disposed of with the following agreed order:

- a] The orders dated 17th September 2016, which are impugned in these petitions are hereby set aside, subject to condition that the petitioners to pay the costs to the respondent as stipulated hereafter;
- (b) The petitioners shall pay in all costs of Rs.1 lakh to the respondent within a period of four weeks from today;
- (c) The costs of Rs.30,000/- already deposited by the petitioners, in this court, can be withdrawn by the respondent

forthwith;

(d) The petitioners to deposit the balance costs of Rs.70,000/- before the trial court within a period of four weeks from today. Upon deposit, the respondent shall be at liberty to withdraw the same unconditionally;

(e) In case, the balance amount of Rs.70,000/- by way of costs are not deposited before the trial court within four weeks from today, then, this petition shall be deemed to have been dismissed with costs of Rs.30,000/-;

(f) Upon deposit of costs, the learned trial Judge will permit the petitioners to file written statement and /or to take on record written statement, which is already filed. There shall be no added requirement of payment of costs of Rs.300/-, since, this amount is subsumed now in the costs agreed to be paid by the petitioners to the respondent;

(g) Both the petitions are allowed in the aforesaid terms;

(h) All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)