

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13229 OF 2018

Indubhai Manilal Shah and others ... Petitioners
v/s
Varsha Harshad Dholakia and others ... Respondents

Mr Bhavin Gada with Mr Sameer Chitnis and Ms Madhura Kulkarni
I/b M/s Chitnis and Co. for Petitioners.
Mr Dilip S. Kulkarni for Respondents.

CORAM : B.P. COLABAWALLA J.

DATE : 24th NOVEMBER, 2018.

P.C. :-

1. Rule, returnable forthwith. Respondents waive service.

By consent of parties, head finally.

2. This Writ Petition challenges the order dated 6th September 2018 by which the Trial Court refused to take the consent terms (Exh.20) on record and dispose of the Suit. These consent terms have been signed by the Plaintiffs and Defendant Nos.1 and 3 to 8 respectively along with their respective Advocates.

3. After hearing the Advocates for the original Plaintiffs and Defendant Nos.1 and 3 to 8, I fail to understand as to why the Trial

Court refused to take on record the consent terms and dispose of the Suit. The Suit related to a purely internal dispute between the Plaintiff on the one hand and Defendant No.1 on the other and who was the only contesting Defendant. As far as Defendant Nos.3 to 8 are concerned, they were supporting the Plaintiff. As far as Defendant No.2 was concerned, it was the Bank in which there was a locker and the contents of which form the subject matter of the dispute in the Suit. The Bank in no way was concerned with the contents of the locker in the Bank.

4. In this view of the matter, the impugned order dated 6th September 2018 passed in Suit No.3035 of 2015 is set aside. The Trial Court is directed to take the consent terms on record and dispose of the Suit in terms of the consent terms. To enable the Trial Court to do so, the parties are directed to remain present before the Trial Court on 30th November 2018. Rule is made absolute in the aforesaid terms.

(B.P. COLABAWALLA J.)