

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 28 OF 2018
IN
SUIT NO. 536 OF 2017**

Sampronius Francis D'Souza & Anr	...Petitioners
<i>Versus</i>	
Lalitambika Builders & Developers Pvt Ltd	...Respondents

Mr P Vas, i/b P Vas & Co, for the Petitioners.
Mr Jas Sanghvi, i/b PDS Legal, for Defendant No. 1.

CORAM: G.S. PATEL, J
DATED: 7th February 2018

PC:-

1. This Petition is wrongly listed on board as being a Petition under Clause XII of the Letters Patent. It is for leave under Order 23 Rule 3-B of the Code of Civil Procedure 1908. It is needed because leave was obtained under Order 1 Rule 8 to sue in a representative capacity and the Suit was thereafter settled or compromised or proposed to be settled or compromised. Signed Consent Terms are annexed at Exhibit "2" to this Petition. These Consent Terms are dated 25th January 2018.

2. The required Resolution of the society is at Exhibit “3”. The Consent Terms in question in draft were placed before the society which approved these on 16th January 2018.
3. In view of these facts, leave granted and the Petition is made absolute.

(G. S. PATEL, J)