Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3797 OF 1991

WITH

NOTICE OF MOTION NO. 1758 OF 1992

AND

NOTICE OF MOTION NO. 2152 OF 1992

Prakash Jethalal Thakkar …Plaintiff

Versus

Sulochana Lalbhai Shah & Ors …Defendants

AND

SUIT NO. 431 OF 2001

WITH

NOTICE OF MOTION NO. 417 OF 2007

AND

NOTICE OF MOTION NO. 2106 OF 2007

AND

NOTICE OF MOTION NO. 2539 OF 2008

AND

NOTICE OF MOTION NO. 3935 OF 2008

Sulochana Lalbhai Shah & Ors ...Plaintiffs

Versus

Prakash Jethalal Thakkar & Ors ...Defendants

Mr Aditya Shiralkar, *i/b Ranjit & Co., for the Plaintiff in S/3797/1991 & for Defendants Nos. 1 & 2 in S/431/2001.*
Mr Jay Joshi, *i/b M/s. IR Joshi & Co., for Defendant No. 1(a) in S/3797/1991 & Plaintiffs Nos. 1(a) to 1(d) in S/421/2001.*
Mr Prakash Thakkar, *Plaintiff No. 1 is present.*
Mr Mehul Shah, *Plaintiff No. 1(b) in S/431/01, is present.*
Ms Dipti Thakkar, *Plaintiff No. 2, is present.*
Mrs Sulochana Shah, *Defendant No. 1(a) and Plaintiff No. 1(a) in S/431/01, is present.*
Mr Amit Sheth, *for Defendants Nos. 8 & 9.*
Mr Ramesh Seth, *for M/s. SP Builders, Defendant No. 8 is present.*
Mr Mohan Thakur, *Defendant No. 9, present in person.*
Mr RP Carvalho, *with Murtuza Federal & ML Sayed, i/b M/s. Federal & Rashmikant, for Defendant No. 10.*
Mr Gaurav Gandhi, *Director of Essegee Real Estate Developers Pvt Ltd, is present.*

CORAM: G.S. PATEL, J
DATED: 23rd February 2018

PC:-

SUIT NO. 3797 OF 1991

1. The parties are personally present in Court.

2. The disputes are settled. Consent Terms are tendered. These are signed by the Plaintiff, Defendant No. 1(a), 8, 9 and 10. The Suit is dismissed as withdrawn as against Defendants Nos. 5 and 6. Defendant No. 7 has been deleted by previous order. Similarly Defendants Nos. 2, 3 and 4 have been previously deleted.

3. I have seen the Consent Terms. The Consent Terms are in order and not contrary to law. They have been drawn by the parties of their own volition without any coercion. The Consent Terms are taken on record and marked "X" for identification with today's date. The undertakings in the Consent Terms are accepted as undertakings to the Court.

4. The Suit is disposed of in accordance with the Consent Terms. Refund of Court Fee, if any, in accordance with law.

5. In view of this, all interim applications do not survive and are disposed of as infructuous.

6. A scanned copy of the Consent Terms without its annexures will be uploaded as Order No. 2 in this matter. If the scanned copy is not provided, this order will not be uploaded and the Suit will be dismissed.

SUIT NO. 431 OF 2001

7. In view of the Consent Terms filed in Suit No. 3797 of 1991, the Plaintiffs, Sulochana Lalbhai Shah and others seek leave to withdraw the Suit.

8. The Suit is dismissed as withdrawn. Refund of court fee, if any, in accordance with law.

9. In view of this, all interim applications do not survive and are disposed of as infructuous.

(G. S. PATEL, J)