

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM. SUIT (L) NO.64 OF 2018

Vikram B. Trivedi & Anr.

... Plaintiffs

Vs

M/s Kalpavruksha Developers & Ors.

... Defendants

Mr. Chetan Kapadia, along with Mr. V.N. Sunil Kumar instructed by Mulla & Mulla & Craigie Blunt & Caroe for Plaintiffs.

Plaintiff No. 1 and Defendant No. 2 in person.

Mr. S Chauhan for Defendant Nos. 1 to 5.

Mr. Asif Lampwala i/b Mr. Chirag Sancheti for Defendant Nos.6 and 7.

Mr. Priyas Jani i/b Vigil Juris for Defendant No. 8.

Mr. Simil Purohit i/b Mr. Tejas Shah for Defendant Nos. 9 & 10.

CORAM : S.J. KATHAWALLA, J.
DATED : 7TH MARCH, 2018

P.C.:

1. By consent of parties, Mr. Sandip N. Vimadalal and Mrs. Ketki Sandip Vimadalal, residing at 62, Satyam, Rungta Lane, Nepean Sea Road, Mumbai 400 006, are hereby added as Defendant Nos. 9 and 10 respectively to the above Suit. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. The parties to the Suit have entered into the Consent Terms dated 7th March, 2018 which have been signed and marked hereto as 'X' for identification.
3. The Defendant No. 2, Mr. Prakash Jayantilal Mehta, has signed the Consent Terms as the Constituted Attorney for and on behalf of Defendant No. 4 (Smt. Rekha Prakash Mehta) based on the registered Power of Attorney dated 7th March 2018 which is also tendered and annexed as part of the Consent Terms.
4. The Defendant No. 2., Mr. Prakash Jayantilal Mehta, has also signed the Consent Terms as the Constituted Attorney for and on behalf of Defendant No. 3 (Mr. Vishal Prakash Mehta) and Defendant No. 5 (Smt. Nirali Vishal Mehta) authorizing him under two Registered Power of Attorneys both dated 18th December 2017 bearing Ref. No. BBE3-8737-2017 (for Mr. Vishal Prakash Mehta) and Ref. No. BBE3-8742-2017 (for Smt. Nirali Vishal Mehta) respectively, which are also tendered and annexed as part of the Consent Terms.
5. Additionally, Mr. Prakash Jayantilal Mehta agrees and undertakes before this Court to address an email to the Defendant Nos. 3 and 5 respectively and seek confirmation thereof and tender his email and the confirmation by Defendant Nos. 3 & 5 before this Court on or before 12th March 2018.

6. All the signatories to the Consent Terms have confirmed before this Court that the Consent Terms are signed by them of their own free will and based upon their own commercial wisdom and without any force, coercion or undue influence.
7. All undertakings given by the Defendants and recorded in the Consent Terms marked 'X' for identification are accepted as undertakings to this court.
8. Ms. A. Rodrigues (Retd. Prothonotary & Senior Master, High Court, Bombay) is appointed as Escrow Agent as per Clause 20(b) of the Consent Terms is directed to act upon the same and open Bank Account forthwith based upon the authenticated copy of the Order and photocopy of the signed copy of the Consent Terms therewith.
9. The Suit is decreed in terms of the Consent Terms.
10. Liberty is granted to parties to apply in case of any clarification.

(S.J.KATHAWALLA, J.)