

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMM SUIT (L) NO. 558 OF 2018

Ronaldo Construction and Ors. ... Plaintiffs

versus

Neela Ramkrishna Patil and Ors. ... Defendants

WITH

NOTICE OF MOTION (L) NO. 1051 OF 2018

IN

COMM SUIT (L) NO. 558 OF 2018

WITH

CHAMBER SUMMONS (L) NO.686 OF 2018

IN

COMM SUIT (L) NO. 558 OF 2018

Mr. Chirag Modi, a/w Reginald D'costa, i/by Sandeep S. Kumbhar, for Plaintiffs.

Mr. Karl Tamobly, a/w K. Barfiwala, Dewanshi Sethi, i/b Juris Corp, for Defendant no.1.

Miss. Lopa Munim, i/b Rajesh Kothari & Co., for Defendant no.2 in NMCDL 1051/2018.

CORAM : S. J. KATHAWALLA, J.

DATE : 16th May, 2018.

P.C. :-

1. Heard the learned Counsel appearing for the parties.

Plaintiff no.2 is present in Court. By consent, the following order is passed:

(i) The statement made by the Plaintiffs, that the partnership firm no.1 is registered on 11th May, 2018, is accepted.

(ii) The Defendant no.2 have on behalf of Defendant no.1, today, paid to the Plaintiffs a sum of Rs.1,30,00,000/-, by way of a demand draft, towards refund of the amount and other expenses incurred by the Plaintiffs, which the Plaintiffs hereby acknowledge.

(iii) In view of clause (ii) above the Plaintiff undertakes that the Plaintiff now has no claim of whatsoever nature against the Defendants in respect of the oral agreement claimed by the Plaintiffs in relation to the redevelopment of the suit property.

(iv) Payment of Rs.1.30 crore made by Defendant no.2 to the Plaintiffs on account of Defendant no.1 shall be subject to an account and adjustment between Defendants nos.1 and 2, on 23rd September, 2010.

(v) The above undertakings are accepted.

2. In view of the above, the Suit is withdrawn by the Plaintiffs. Refund of Court-fees as per rules.

3. In view of withdrawal of the Suit, the Notice of Motion (L) No.1051 OF 2018 and Chamber Summons No.686 OF 2018 stand disposed of.

[S. J. KATHAWALLA, J.]