

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION NO.722 OF 2017
IN
SUIT NO.803 OF 2017**

Ramesh D. Shah and Ors. ... Plaintiffs
versus
Zenal Construction Pvt. Ltd. And Ors. ... Defendants

Mr. Sujit Suryavanshi with Mr. Levi Rubens, Mr. Suushant Arora, Ms. Rashmi Salian i/by M/s. Vigil Juris, for Plaintiffs.

Mr. Anoshak Daver with Mr. Rachit Lakhmani i/by M/s. Vis Legis Law Practice, for Defendant Nos.1 to 4.

Mr. Nikhil Rodrigues i/by M/s. Economic Laws Practice, for Defendant Nos.5 to 9.

Mr. L.C.Tolat with Mr. Sunny Punamiya i/by M/s. L.C.Tolat and Co., for Defendant Nos.11 and 12.

CORAM: S.J. KATHAWALLA, J.

DATE: 14th FEBRUARY, 2018

P.C.:

1. On 6th February, 2018 this Court passed the following order :

“1. The learned Advocates appearing for the parties have tendered Consent Terms dated 6th February, 2018. They submit that the Consent Terms be taken on record and the above Notice of Motion be disposed off in terms of the Consent Terms. The Consent Terms are taken on record and marked 'X' for identification. The learned Advocate appearing for the Plaintiffs states that Plaintiff No. 1 is not party to the Consent Terms and Plaintiff Nos. 5, 11, 12 and Defendant Nos. 3, 6, 7 have not signed the Consent Terms. The Consent Terms are signed by Plaintiff Nos.2, 3, 4, 6, 7, 8, 9, Partner of Plaintiff No. 10, Plaintiff No. 13, Proprietor of

Plaintiff No. 14, Plaintiff Nos. 15, 16, Karta of Plaintiff No. 17, Plaintiff No. 18 and the Director of Defendant No. 1 and Defendant Nos. 2, 4, 5, 8, 9, Partner of Defendant No.10 and Defendant Nos. 11, 12. The Consent Terms are also signed by the Advocates for the Plaintiffs, Defendant Nos. 1 to 4 and Defendant Nos. 5 to 9. The undertakings recorded in the Consent Terms are accepted.

2. The learned Advocate appearing for the Plaintiffs on instructions states that Plaintiff No. 5 is traveling, Plaintiff No.11 is unwell and Plaintiff No. 12 is the wife of Plaintiff No. 11, they shall remain present before the Court on 14th February, 2018 at 11.00 a.m. and sign the Consent Terms. The Consent Terms are interpreted and explained in Hindi language to Plaintiff No. 9 by her Advocate as well as her husband / Plaintiff No. 8. Plaintiff Nos. 8 and 9 are present in Court.

3. The learned Advocates appearing for the parties on instructions state that Plaintiff Nos. 5, 11, 12 and Defendant Nos. 3, 6, 7 shall remain present before this Court on 14th February, 2018 at 11.00 to sign the Consent Terms. In view thereof, stand over 14th February, 2018, when the Order in terms of the Consent Terms shall be passed.”

2. Today, Plaintiff No.5, wife of Plaintiff No.11 who is also his constituted attorney and Plaintiff No.12 are present in Court. They have signed the Consent Terms. Defendant Nos.3, 6 and 7 who are present in Court are also allowed to sign the Consent Terms. Defendant Nos.3 and 5 state that the contents of the Consent Terms are read over and explained to them in Gujarati and they have understood the same. They state that they have signed the Consent Terms of their own free will and volition

and there is no force or coercion. Since all the parties except Plaintiff No.1 who is not a party to the Consent Terms, have signed the Consent Terms, the above Notice of Motion is disposed of in terms of the Consent Terms, marked 'X'. Liberty to apply.

(S.J.KATHAWALLA, J.)