

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 66 OF 2019

Dara Jal Chowksey (since deceased)

1A. Mrs. Sharmin Dara Choksy (Chowksy)
and others.

...Applicants

Versus

Persis Kersasp Billimoria

...Respondent

.....

With

Civil Application No.22 of 2019

In

Civil Revision Application NO. 66 OF 2019

....

Mr. Udayan S. Jain, Advocate for the Applicants.

Mr. Dinyar Madon, Senior Advocate a/w. Mrs. Naira Jejeebhoy,
Mr. Abhishek Sawant, Mr. Nachiket Khaladkar, Ms. Jinal Shah i/b. M/s.
Desai & Chinoy, for the Respondent.

Applicants No.1A & 1B are present in the Court.

Mr. K.K. Billimoria, son and Power of Attorney of the respondent is present
in the Court

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CORAM : R. G. KETKAR, J.

DATE : 12th FEBRUARY, 2019

P.C.

1. Heard Mr. Udayan Jain, learned counsel for the applicants and Mr. Dinyar Madon, learned Senior Counsel for the respondent. Mr. Jain seeks time to file vakalatnama. He is allowed to file vakalatnama in the Registry by 15.2.2019.

2. The learned Counsel for the parties have tendered the consent terms dated 12.2.2019 duly signed by applicant No.1A. Mrs. Sharmin Dara

Choksy (Chowksy), applicant No.1B Mrs. Bakhtavar Rustom Vachha, Mrs. Sharmin Dara Choksy (Chowksy) the daughter and Constituted Attorney of applicant No.1C Mrs. Nergish Dara Choksey (Chowksy) and their Advocate as also Mr. Kayomurzd K. Billimoria, son and Constituted Attorney of the respondent Persis K. Billimoria and his Advocate. Along with the consent terms, the Power of Attorney of applicant No.1C to her daughter Sharmin Dara Choksey is enclosed. The Power of Attorney given by the respondent to her son Mr. K.K. Billimoria is also enclosed. The consent terms along with the Power of Attorneys is taken on record and marked 'A Collectively' for identification.

3. Mr. Jain states that applicant No.1A. Mrs. Sharmin Dara Choksy (Chowksy) and applicant No.1B Mrs. Bakhtavar Rustom Vachha are present in the Court today. He states that the photo-copies of their Passports are already tendered in the Court on 6.2.2019 which are already taken on record and marked "A collectively" on 6.2.2019. Mr.Madon states that Mr. K.K. Billimoria, son and Power of Attorney of the respondent is also present in the Court. He has tendered a photo-copy of his Identity Card issued by the Bar Council of Maharashtra and Goa, which is taken on record and marked 'B', for identification.

4. The learned counsel for the parties submit that the controversy between the parties is amicably settled and resolved in terms of the

consent terms. The applicants have agreed to withdraw above C.R.A. unconditionally and they have accepted the correctness of the impugned orders. They have also agreed to hand over vacant and peaceful possession of the suit premises, namely, flat on the ground floor of Soli Papa Cottage, Plot No.653 A, Parsi Colony, Dadar (East), Mumbai – 400 014 to the respondent. The respondent has paid a sum Rs.25,20,000/- by way of demand draft dated 12.2.2019 in the name of Mrs. Bakhtavar Rustom Vachha.

5. The parties admit and confirm the correctness of the consent terms. The learned counsel for the parties, therefore, submit that the C.R.A. may be disposed of in terms of the consent terms.

6. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled. The applicants accept that the tenancy of Dara Jal Chowksey is extinguished. Civil Revision Application is disposed of in terms of the consent terms. The undertaking in clause 12.a is accepted. In view of disposal of C.R.A., Civil Application No.22/2019 for appointment of the Court Receiver does not survive and the same is disposed of. Certified copy is expedited. All concerned parties to act upon the authenticated copy of this order. Order accordingly.

(R. G. KETKAR, J.)