

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12453 OF 2018

Michael Rodrigues ... Petitioner
Vs.
P. T. Banger and others ... Respondents

WITH
WRIT PETITION NO.12462 OF 2018

P. T. Banger and others ... Petitioners
Vs.
Michael Rodrigues ... Respondent

Mr. Nigel Qureshi i/b. Mr. Krishnan Dushyant Harsh G. for Petitioner in W.P.No.12453 of 2018 and for Respondent in W.P.No.12462 of 2018.
Mr. Nusrat Shah, Ms Ema Almeida, Mr. Kevin Gala and Samaa Shah for Respondents in W.P.No.12453 of 2018 and for Petitioners in W.P.No.12462 of 2018.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 23, 2019

P.C. :

Heard Mr. Qureshi, learned Counsel for the petitioner in W.P.No.12453 of 2018 and for respondent in W.P.No.12462 of 2018 as also Mr. Shah, learned Counsel for the respondents in W.P.No.12453 of 2018 and for the petitioners in W.P.No.12462 of 2018 at length.

2. These Petitions were heard from time to time and were adjourned for exploring the possibility of settlement. The learned Counsel for the parties have submitted draft proposal for settlement of the controversy raised in this Petition.

3. Mr. Qureshi submits that petitioner- Michael Rodrigues is present in the Court. He has tendered photocopy of his Aadhar Card, which is taken on record and marked 'A' for identification. Mr. Shah submits that

respondents in W.P.No.12453 of 2018 (petitioners in W.P.No.12462 of 2018) are present in the Court. They have tendered photocopies of their Aadhar Cards, which are taken on record and marked 'B colly.' for identification. The learned Counsel for the parties submit that they have explained the settlement proposal to the parties. The parties accept and confirm the correctness of the settlement proposal. The learned Counsel for the parties submit that these Petitions may be disposed of in terms of the draft settlement proposal. Clause 6 of the draft settlement proposal states that the certified copy of the plan sanctioned for construction is attached showing the flats with flat numbers to be earmarked for each of the respondents / tenants. The draft settlement proposal alongwith the certified sanctioned plan is taken on record and marked 'C colly.' for identification.

4. The Petitions are disposed of in terms of the settlement proposal marked 'C colly.'. It is made clear that the learned trial Judge will decide the Suit on the basis of the evidence on record and in accordance with law, uninfluenced by the interim arrangement made between the parties and without prejudice to the rights and contentions of the parties. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab