

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 12 OF 2015

Dinesh Mulji Pir	...Applicant
<i>Versus</i>	
M/s. Valji Ladha & Co.	...Respondent

....
Mr. U.L. Shah, Advocate for the Applicant.
Mr. Hitesh Solanki i/b. Manoj & Asok Asso. for the Respondent.

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CORAM : R. G. KETKAR, J.

DATE : 2nd MAY, 2019

P.C.

1. Heard Mr. U.L. Shah, learned counsel for the applicant and Mr. Hitesh Solanki, learned counsel for the respondent, at length.
2. The learned counsel for the parties have tendered the consent terms dated 2.5.2019 duly signed by Pratap M. Pir, real brother and Constituted Attorney of applicant – Dinesh Pir as also his Advocate and by Rajkirti Shah, one of the Partners of the respondent - M/s. Valji Ladha & Co. and their Advocate. Along with the consent terms, the Power of Attorney dated 27.10.2014 executed by the applicant in favour of his brother is enclosed. Copy of the consent term is taken on record along with Power of Attorney and marked 'A collectively' for identification.

3. Under the consent terms the applicant has handed over possession of office premises being room No.B-51, First Floor, Cotton Exchange Building, Cotton Green, Mumbai – 400 033 to the respondent.

4. Mr. Shah states that Pratap M. Pir, real brother and Constituted Attorney of the applicant is present in the Court today. He has tendered a photo-copy of his PAN card, which is taken on record and marked 'B' for identification.

5. Mr. Solanki states that Rajkirti Shah, one of the Partners of the respondent - M/s. Valji Ladha & Co. is present in the Court today. He has tendered a photo-copy of his PAN card which is taken on record and marked 'C' for identification.

6. Mr. Shah has tendered original Power of Attorney dated 27.10.2014 given by the applicant Dinesh Pir in favour of his brother Pratap M. Pir, which is taken on record and marked 'D' for identification. Office shall compare the original Power of Attorney with the photo-copy annexed along with the consent terms and after verifying the contents thereof shall return the original Power of Attorney to the learned counsel for the applicant. Let the exercise of comparison be done by the office within one week from today.

7. Mr. Shah submits that as the applicant has handed over keys

of the suit premises to the respondent, the application may be disposed of in terms of the consent terms. Mr. Solanki confirms that the respondent has received keys of the suit premises.

8. The learned counsel appearing for the parties agree and confirm the correctness of the consent terms. The learned counsel for the parties further submit that no third party interests are affected by the consent terms and no proceedings filed by third party in relation to the suit premises are pending in any Court of law. The statements made by learned counsel appearing for the parties, on instructions, are accepted in the form of undertaking to this Court.

9. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. C.R.A. is disposed of in terms of the consent terms. Rule is discharged with no order as to costs.

10. All concerned parties to act upon the authenticated copy of this order. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)