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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

**NOTICE OF MOTION NO. 1086 OF 2018
IN
SUIT NO. 813 OF 2014**

Mahafus Hasan Khan	...Applicant
In the matter between	
M/s Build Tech Group	...Plaintiff
VS	
Mahafus Hasan Khan & Anr.	...Defendants

.....
Mr Dipen Furia I/b Shah & Furia Associates for the Plaintiff
Ms Raveena Yadav I/b Ashok Purohit & Co. for the Applicant /
Defendant No.1.

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**CORAM : B. P. COLABAWALLA, J.
JULY 03, 2019.**

P.C. :

This Notice of Motion has been filed in a suit that was already disposed of by Consent Terms dated 11th January, 2017. The reliefs sought in this Motion were to direct the plaintiff to comply with its obligations under the aforesaid Consent Terms and more particularly the obligations as set out in clause 10 thereof. In the alternative a direction is sought that the plaintiff to deposit a sum of Rs.10 (ten) Crores and allow defendant No.1 to withdraw the same in order to enable it to complete the construction of the said Rehab Building No.1 and Rehab Building No.2 as per the sanctioned plans.

There are also other reliefs sought.

2 When this Notice of Motion had come up before this Court earlier on 24th January, 2018, this Court passed the following order -

- “1. The learned Advocate appearing for the plaintiff on instructions states that the plaintiff shall submit a Bar Chart by 25th January, 2018 and undertake to complete the balance work qua rehab building No.1 within a period of four months from the date of this order. The undertaking is accepted. It is clarified that if the plaintiff breaches the undertaking, the Court shall be compelled to dis-allow the plaintiff from carrying out any further work and allow defendant No.1 to complete the construction, for which the plaintiff will face the consequences. If the plaintiff finds that any obstruction is being created by any of the parties, the plaintiff shall be at liberty to move this Court. Needless to add that defendant No.2 society shall in the meantime, not proceed with the proceedings under Section 13(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.
2. Stand over to 25th January, 2018 at 03.00 p.m.”

3 Thereafter on 7th February, 2018, a further order was passed whereby the Consent Minutes of Order were tendered. The same were taken on record. They were signed by the partner of the plaintiff, defendant No.1 and the Secretary of defendant No.2. The undertakings given in the Consent Minutes were also accepted and

the matter was stood over to 7th March, 2018 “for directions”.

4 Today when this Notice of Motion has come up, I am informed by the advocate for defendant No.1 and at whose instance this Notice of Motion was filed, that the Consent Minutes of Order dated 7th February, 2018 have been duly complied with by the plaintiff, and therefore, nothing survives in this Notice of Motion.

5 Recording the aforesaid statement, the Notice of Motion is accordingly disposed of. No order as to costs.

(B.P.COLABAWALLA, J.)