

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
SUIT NO.103 OF 2017

Kavita Kishore Nichani ..Plaintiff

Vs.

Shamit T Majmudar & Ors ..Defendants

Mr. Vishal Thadhani for Plaintiff

Ms Prachi Khandge I/b M. P. Vashi Associates for Defendants

Mr. Satish Shah, Honorary Treasurer of Defendant No.31 present in court

CORAM : K.R.SHRIRAM, J.
DATE : 18th FEBRUARY, 2019

P.C.:

1 Parties have entered into consent terms dated 16th February, 2019. Plaintiff has not signed all the pages, whereas defendant has signed. Mr. Thadani states that plaintiff will come on 20th February, 2019 and sign all the pages. Ms Khandge states that treasurer of defendants is present in court and identifies him. The consent terms signed by plaintiff and defendants is taken on record and marked as "X" for identification.

2 For ease of reference the scanned copy of the consent terms is reproduced herein under:

X¹ 18/12/19

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 103 OF 2017

Kavita Nishore Nishani ... Plaintiff
Versus
Shamit T. Majmudar & Ors. ... Defendants

CONSENT TERMS

1. By consent of the parties, the suit placed on board for final hearing and called out.
2. The impugned order of suspension dated 24th September, 2016 has come to an end by efflux of time and therefore the said impugned order dated 24th September, 2016 does not survive.
3. In any case, as the managing committee members, who had passed the impugned order of suspension dated 24th September, 2016 have ceased to be the managing committee members. Therefore, the plaintiff agrees to delete the names of the defendant No.1 to defendant No.31

from the cause title. The amendment to be carried out by the plaintiff within a period of one week from the date of the passing of the order.

4. The plaintiff and the defendants unconditionally withdraw all the allegations made against each other in the present suit as well as in any correspondence or proceedings concerning the subject matter of the present suit.

5. The defendant No. 31 agrees that although the order of suspension dated 24th September, 2016 suspending the plaintiff as a member of the club has come to an end by efflux of time. The said order dated 24th September, 2016 stands withdrawn unconditionally and all records of the same in the records of the Gymkhana will be deleted forthwith to ensure that there is no stigma against the plaintiff. The plaintiff and defendant No. 31 agree and undertake not to raise any claims relating to the disputes between them, any time in future and it is agreed that neither party will be entitled to claim any costs, expenses or damages from each other.

6. The parties to bear their cost.

Dated this 16th day of February, 2019


Advocate for the Plaintiff


Kavita Nichani
Plaintiff


Advocate for the defendant No.31


Shri Satish P. Shah
Hon. Treasurer
Juhu Vile Parle Gymkhana Club
Defendant No.31



- 3 Order in terms of consent terms.
- 4 All undertakings accepted.
- 5 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)