

Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.513 OF 2013

ALONG WITH

NOTICE OF MOTION NO.1011 OF 2013

AND

CHAMBER SUMMONS NO.783 OF 2017

Benchmark Projects Pvt. Ltd., MumbaiPlaintiff–Applicant

V/s.

Neela Akash Flat Owners Co–op. Hsg.

Society Ltd., Mumbai and Ors.

....Defendants

Mr. Vivek Shiralkar, with Mrs. Prachi Mhatre and Ms. Yashoda Desai, i/by Shiralkar & Co., for the Plaintiff–Applicant.

Mr. Mutahhar Khan, i/by Mr. Ashish T. Suryavanshi, for Defendant No.1.

Mr. Anilkumar Patil, with Mr. Smit Nagda, for Defendant Nos.2 and 3.

CORAM : A.K. MENON, J.

DATED : 3RD OCTOBER, 2019.

P.C. :

1. The learned Advocates for the plaintiff and defendant no.1–society state that the parties have arrived at a settlement. On behalf of defendant nos.2 and 3, the learned Advocate submits that they are the owners of the suit property, of which the 1st defendant–society is a lessee. The dispute in the suit is in relation to redevelopment of the building housing the society’s flats. The

parties have now revived their agreement, as modified by the terms agreed in these consent terms.

2. The consent terms are signed by the Director of the plaintiff and the office representative of the 1st defendant-society, who are duly authorized by a resolution dated 25th August 2019. The signatories to the consent terms are present in court. They all confirm execution of the consent terms. In view thereof, I pass the following order :-

- (i) Consent terms signed by the parties and their Advocates are taken on record and marked as "X" for identification.
- (ii) There will be a decree in terms of the consent terms. Undertakings, if any, in the consent terms are accepted.
- (iii) Suit is disposed in terms of the consent terms. Decree be drawn up accordingly. Court fee, if any, be refunded as per rules.
- (iv) In view of disposal of the suit, all interim applications stand disposed.

(A.K. MENON, J.)