

ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Radhakishan
S. Ladda

Digitally signed
by Radhakishan
S. Ladda
Date: 2019.07.31
15:10:19 +0530

SUIT No. 287 OF 2013.

Ajay Kumar Garg and Ors ..Plaintiffs.
Vs.
Dr. Kirti Chaturbhai Patel & Ors ..Defendants.

Mr. Agnel Carneiro a/with Mr. Vaibhav Shah
i/by Mulla & Mulla & CB & C for the
Plaintiffs.

Mr. Pradeep J. Thorat for Defendant No.11
Mr. Ajay Kumar Garg, Plaintiff No.1 present.
Mr. Imran H. Chandiwalla, Partner of
Defendant No.11 present.

CORAM : B. P. COLABAWALLA, J.
DATED :- 31st JULY, 2019.

P.C. :-

1. By consent of parties, leave to amend the cause title of the plaint to add M/s N.D. Tuscan Realtors LLP, 417, Maker Chamber V, Nariman Point, Mumbai-400 021 as Plaintiff No.3. The amendment to be carried out forthwith.

2. The learned Advocates appearing on behalf of the Plaintiffs as well as Defendant No.11 have tendered before me

consent terms dated 31st July, 2019. They submit that the consent terms be taken on record and the above Suit between the Plaintiffs and Defendant No.11 be disposed of in terms of the consent terms.

3. It has been brought to my notice that Defendant No.4 was deleted in the above Suit on 12th October, 2015. Thereafter, the Suit was settled between the Plaintiffs and Defendant Nos. 8,9 and 10 by filing the consent terms dated 24th March, 2017. Similarly, the Suit between the Plaintiffs and Defendant Nos. 2,3,5,6, and 7 was settled by filing the consent terms dated 4th May, 2017. The Suit was only kept pending against Defendant No.11.

4. As mentioned earlier, now the Plaintiffs and Defendant No.11 have settled their disputes by filing the consent terms dated 31st July, 2019. The Partner of Defendant No.11, Mr. Imran H. Chandiwalla is also present in Court and has admitted his signature on the consent terms. Similarly, Mr Ajay Kumar Garg, Plaintiff No.1 for himself, as well as a Director of Plaintiff No.2 and a Partner of Plaintiff No.3, has signed these consent terms. He too is present in Court and has identified his signature on the consent terms. These consent terms are taken on record and marked “X-4” for identification. The Suit against Defendant No.11 is disposed of in

terms of these consent terms. All undertakings given in these consent terms are accepted.

5. I am also informed that no reliefs have been sought against Defendant Nos. 12 and 13 and hence they be deleted. It is accordingly so ordered. Considering that now all disputes have been settled with all the Defendants, the Suit itself stands disposed of. No order as to costs.

6. Refund of Court fees, if any, as per rules.

(B.P. COLABAWALLA, J.)