

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL SUMMARY SUIT NO. 133 OF 2019

WITH

SUMMONS FOR JUDGMENT (L) NO. 41 OF 2019

IN

COMMERCIAL SUMMARY SUIT NO. 133 OF 2019

WITH

COMMERCIAL NOTICE OF MOTION NO. 1014 OF 2019

SKC Trading Building Materials Private Limited ...Plaintiff

Versus

Nirmal NCCC Construction Private Limited ...Defendant

Ms. J. D'Souza, i/by Chirag Sachetti, for the Plaintiff.

Ms. Madhura Zende, i/by MDP & Partners, for the Defendant.

CORAM : R.I. CHAGLA J.

DATE : 14 October 2019

ORDER :

1. The Commercial Summary Suit and the Summons for Judgment have been settled between the parties. The parties have tendered the Consent Terms. The Consent Terms executed on 14th August 2019 between the Plaintiff and Defendant is taken on record

and marked “**X**” for identification. The undertaking in the Consent Terms are treated as undertakings to this Court and are accepted.

2. The Commercial Summary Suit and Summons for Judgment are accordingly, disposed of in terms of the Consent Terms.

3. Liberty to the parties to apply in the event, that the postdated cheques are not honoured upon the due date as set out in Clause 3 of the Consent Terms.

4. The Plaintiff shall be entitled to refund of Court fees in accordance with rules.

5. This date shall be treated as the date of the application for refund of Court fees.

6. In view of disposal of the Commercial Summary Suit, the Notice of Motion does not survive and also disposed of accordingly.

[R.I. CHAGLA J.]