

Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUIT NO.336 OF 2015

Mugdha Developers, Mumbai

.... Plaintiff

V/s.

Vimal Nagar Co-operative Housing
Society Ltd., Mumbai and Ors.

.... Defendants

Mr. Piyush M. Shah for the Plaintiff.

Mr. Pankaj Pandey for Defendant No.1.

Ms. Smita Nagda, with Ms. Kirti Nagda, for Defendant No.3.

CORAM : A.K. MENON, J.

DATED : 3RD MAY, 2019.

P.C. :

1. Heard learned counsel for the parties.
2. Mr. Shah tenders Consent Terms arrived at between the plaintiff and defendant Nos.1 and 3. He states that, in view of the order passed today in Chamber Summons (Lodging) No.617 of 2019 and the settlement arrived at between the parties, the Consent Terms may be taken on record and made an order of the court. He further states that none of the reliefs in the suit are being pressed against defendant No.2-Municipal Corporation.

3. Learned counsel for defendant Nos.1 and 3 undertakes to file vakalatnama during the course of the day.
4. In view of this expressed statement made today by all the parties, who are present before the court, the suit against defendant No.2 shall stand dismissed for want of prosecution.
5. The parties and Advocates have signed the Consent Terms and duly identified their respective clients. The other members of the plaintiff-HUF are the signatories to the Consent Terms as confirming parties and they are present in court and they admit that all the parties have executed the Consent Terms.
6. Subject to the counsel entering the appearances for their respective clients during the course of the day today, there will be an order in terms of the Consent Terms.
7. Suit as between the plaintiff and defendant Nos.1 and 3, stands disposed in terms of the Consent Terms. All undertakings given in the Consent Terms are accepted.
8. Refund of court fees, if any, as per rules.
9. Certified copy of this order shall be issued only after the vakalatnama is filed by the counsel for defendant Nos.1 and 3.

(A.K. MENON, J.)