

Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUIT NO.860 OF 2019

ALONG WITH

NOTICE OF MOTION NO.1535 OF 2019

Umanand Apartment Co-operative

Housing Society Ltd., Mumbai and Ors.

....Plaintiffs–Applicants

V/s.

Class Apart (India) Pvt. Ltd., Mumbai and Ors.

....Defendants

ALONG WITH

NOTICE OF MOTION NO.1975 OF 2019

IN

COMMERCIAL SUIT NO.860 OF 2019

Class Apart (India) Pvt. Ltd., Mumbai

....Applicant

In the matter between

Umanand Apartment Co-operative

Housing Society Ltd., Mumbai and Ors.

....Plaintiffs

V/s.

Class Apart (India) Pvt. Ltd., Mumbai and Ors.

....Defendants

Mr. Rohaan Cama, with Mr. Chandra Naik, for the Plaintiffs–Applicants.

Ms. Aneeta Vasani, i/by Mr. Omprakash Pandey, for Defendant Nos.1, 2 and 6.

Mr. Sagar Patil, with Mr. D.S. Shingade, for Defendant Nos.7 and 8.

CORAM : A.K. MENON, J.

DATED : 18TH DECEMBER, 2019.

P.C. ,

1. Learned counsel for the plaintiffs tenders consent terms signed between the plaintiffs and defendant nos.1, 2 and 6 and their Advocates. Learned counsel for the plaintiffs submits that defendant nos.3, 4 and 5 are not directors of the 1st defendant and hence the suit against them is being withdrawn, as provided in clause 50 of the consent terms. Likewise, the plaintiffs have no claim against defendant nos.7 and 8. The parties, therefore, seek a decree in terms of the consent terms.

2. Accordingly, I pass the following order :-

- (i) The 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 in the consent terms are accepted.
- (iii) Suit is disposed in terms of the consent terms. Decree be drawn up accordingly. Refund of Court fees, if any as per rules.
- (iv) All pending Motions and interlocutory proceedings shall also stand disposed.

(A.K. MENON, J.)