

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO.94 OF 2018
WITH
COMMERCIAL NOTICE OF MOTION NO.1707 OF 2018
IN
COMMERCIAL SUIT NO.94 OF 2018**

Gaurishankar KhotPlaintiff

Vs.

Lalitambika Builders & Developers Pvt. Ltd. & Ors.Defendants

Mr. I.K. Tripathi a/w. Mr. I.S. Patole i/b. C.Y. Tanawde for plaintiff.

Mr. Gaurishankar Khot, plaintiff present in person.

Mr. Jas Sanghavi i/b. PDS Legal for defendant nos.1,3 and 4.

Mr. Ganesh S. Mhatre for defendant no.2.

Mr. Sanjay Agarwal, defendant no.3 and signatory for defendant no.1 present.

Mr. Rajaram Masane, defendant no.2 present.

Mr. Rakesh Mehta defendant no.4 present.

CORAM : K.R.SHRIRAM, J.

DATE : 14th JUNE 2019

P.C.:

1 Parties have entered into consent terms dated 14th June 2019.

The consent terms signed by plaintiff, defendant no.3 for himself and defendant no.1, defendant no.2, defendant no.4 and their respective advocates is taken on record and marked "X" for identification. Both counsel state that the signatories to the consent terms are present in Court and identify them.

2 Defendant nos.1,3 and 4 undertake to this Court that unless the amount as mentioned in paragraph 2 of the consent terms is paid to

plaintiff, they shall not close the account from which these four cheques have been issued. Defendant nos.1,3 and 4 also undertake to this Court that they shall keep sufficient funds in the account on the date of the cheque so that each of the cheques are honoured. These statements are accepted as undertaking by defendant nos.1,3 and 4. All other statements in the consent terms are also accepted as undertaking by the respective parties.

3 Order in terms of the consent terms. Suit decreed in terms of the consent terms. Refund of court fees, if any in accordance with rules. In case of default, drawn up decree be dispensed with. Notice of motion no.1707 of 2018 accordingly stands disposed.

4 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)