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

SUIT NO.904 OF 2016
WITH
NOTICE OF MOTION NO.2648 OF 2016
IN
SUIT NO.904 OF 2016

Sanjay Ahuja	...Plaintiff
V/s.	
Meena Bhatija	...Defendant

Mr.Abbas Mandviwala I/b Ranjit & Co. for the Plaintiff.

Mr.Manoj K. Bhatia I/b Ms.Sneha G. Sanap for the Defendant.

CORAM : R.D. DHANUKA, J.
DATE : 6TH FEBRUARY, 2019.

P.C. :-

1. Learned counsel appearing for the defendant tenders an additional affidavit of the defendant affirmed on 25th January, 2019 annexing a copy of the consent terms dated 14th December, 2018 between the father of the plaintiff and the defendant in the Family Court at Bandra bearing No.A-20 of 2017.It is stated in the affidavit by the defendant that in the light of the consent terms and in particular clause 11(j) of the consent terms, she has withdrawn her caveat and her written statement dated 19th November, 2016 along with all the submissions, allegations and the contentions made out in

the said written statement and also withdrawn the affidavit in support of the Notice of Motion No.2648 of 2016. She has further admitted that she has no right, interest or claim against the flat of the plaintiff described in paragraph 6 of the additional affidavit. In paragraph 7 of the additional affidavit, it is stated that she has no objection or reservation of whatsoever nature if this Court passes an order in terms of prayer clauses (a) and (b) of this suit. She has further declared that the flat bearing No.91 and 91-A situated at Viraj Silverene, Hill Road, Bandra (West), Mumbai – 400 050 is exclusively in the possession and enjoyment of the plaintiff and that it has at no point of time been her marital home. In paragraph 9, she has declared that this additional affidavit is filed by her own free accord and not made under coercion or undue influence. This affidavit is filed in compliance with clause 11(j) of the consent terms dated 14th December, 2018.

2. The defendant is present in Court and admits that she has signed this additional affidavit tendered in this Court and understood the contents thereof. The additional affidavit of the defendant affirmed on 23rd January, 2019 is taken on record. The statements made by the defendant in the said additional affidavit are accepted.

3. In view of the defendant submitting to the decree in terms of prayer clauses (a) and (b) in view of the consent terms arrived at

between the parties dated 14th December, 2018 before the Family Court, Bandra the following order is passed :-

- a). The suit is decreed in terms of prayer clauses (a) and (b).
 - b). Refund of Court fees, if any, as per rules.
 - c). All the interlocutory proceedings pending, if any, are disposed of in view of the disposal of the suit.
4. All the parties as well as the learned Prothonotary & Senior Master of this Court to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)