

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****SUIT NO. 784 OF 2018****ALONGWITH****NOTICE OF MOTION NO. 1366 OF 2018****Madhav Shenoy****..... Plaintiff****VERSUS****Medha Kamat & Ors.****..... Defendants**

Mr.Piyush Raheja, a/w. Mr.Prateek Kothari, Ms.Riya Makwana, i/b. IC
Legal for the Plaintiff.

Mr.B.C.Ponda for the Defendant no.1.

Mr.Bhavin Gada, a/w. Ms.Sarika Mehra, i/b. LJ Law for the Defendant
no.2.

Mr.P.P.Choudhary for the Defendant nos. 3 to 5.

CORAM : R.D. DHANUKA, J.

DATE : 22nd FEBRUARY, 2019

P.C.

Learned counsel appearing for the plaintiff and defendant no.3 have jointly tendered the consent terms dated 22nd February,2019 between the plaintiff and the defendant no.3. Insofar as the plaintiff is concerned, the plaintiff has signed the consent terms through his Constituted Attorney whose power of attorney is annexed to the consent terms. Mr. Raheja, learned counsel appearing for the plaintiff on instruction states that the said power of attorney executed by the plaintiff in favour of the constituted attorney is still valid and is in force. He produces the original power of attorney for perusal of this court. The statements made by the learned counsel are accepted.

2. By these consent terms, the plaintiff has settled the dispute between the plaintiff and defendant nos. 2 to 5. Learned counsel state that in view of the consent terms arrived at between these parties, his client does not press the reliefs claimed in prayer clauses (e) to (f) of the plaint. Statement is accepted.

3. The signatures of the parties on the consent terms are identified by their respective advocates. Consent terms are taken on record and marked 'X' for identification. Undertakings recorded, if any, in the consent terms are accepted.

4. Suit insofar as the plaintiff and defendant nos. 2 to 5 stands disposed of in terms of the consent terms.

5. It is made clear that the rival claims, if any, of the defendants against each other are not adjudicated upon by this court and are not the subject matter of this consent terms.

6. All rights and contention of the defendants against each other are kept open.

7. Insofar as the directions issued by this court in paragraph (5) of the order dated 16th January, 2019 passed by this court is concerned, Mr. Raheja, learned counsel appearing for the plaintiff states that the learned Court Commissioner appointed by this court requires further period of six weeks from today for the purpose of complying with the said directions issued by this court. Statement is accepted.

8. Time to submit report by the learned Court Commissioner is extended by six weeks from today.

9. In view of the consent terms between the plaintiff and defendant nos. 2 to 5, Mr. Raheja, learned counsel appearing for the plaintiff does not press Notice of Motion No.1366 of 2018 and the same is disposed of. No order as to costs.

[R.D. DHANUKA, J.]