

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1 OF 2019**

IN

SUIT NO. 139 OF 2013

Dawood Abdul Hussein Gandhi & Ors ...Applicants/
Plaintiffs

Versus

Saifuddin Abdul Hussein Gandhi ...Defendant

**Huzefa Nasikwala, i/b Nasikwala Law Office, for the Plaintiffs.
Mr Daniel Arif, for the Defendants.**

**CORAM: G.S. PATEL, J.
DATED: 4th December 2019**

PC:-

1. The matter pertains to the assignment of GS Kulkarni J. He is unavailable. Liberty to mention. Mentioned. Taken on board.

2. The parties tender Consent Terms dated 4th December 2019. These are said to be in supersession of previous Consent Terms dated 27th April 2015. Under the earlier Consent Terms, the Defendant was to provide certain flats to the Plaintiffs. Under the revised Consent Terms the agreement is to provide monetary compensation as set out in the tabulation below paragraph 3.

3. The Consent Terms are signed by the parties and their advocates. All the signatories are present in Court. I am satisfied that the Consent Terms are in order, are not contrary to law and have been drawn by the parties of their own volition without any coercion. It is in these circumstances that I will accept the Consent Terms. I take them on record and mark them “C1” for identification with today’s date. The undertakings in the Consent Terms are accepted as undertakings to the Court.

4. The Suit is disposed of in accordance with the Consent Terms.

5. A soft copy of the Consent Terms is to be uploaded as the second order in the matter.

6. The Interim Application No. 1 of 2019 for leave to file the substituted or new Consent Terms is infructuous and is disposed of as such.

7. Refund of the Court fees in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court. Fees Act and the proviso to that Section, today’s date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

(G. S. PATEL, J)