

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

SUIT NO. 1032 OF 1997

Usha D. Shah & Anr.	.. Plaintiffs
Vs.	
Utility Premises Pvt. Ltd.	
& Ors.	.. Defendants

Mr. Ravi Gandhi i/b. Kanga & Co. for Plaintiff.

Ms. Vidya Mistry for defendant No. 1.

Mr. Vikas Tiwari i/b Mr.Chetan C. Agrawal a/w. Ms.Jyoti S. Agrawal for defendant No.2.

Mr.Milan D.Shah-plaintiff No.2 present.

Mr. Aamir Jamal-defendant No.2 present.

CORAM : N.J. JAMADAR, J.

DATE : 30th JANUARY 2020

P.C.

1. The learned counsel for the plaintiffs has submitted the Schedule of amendment so as to incorporate the changed name of defendant No.2.

Leave to amend as per the Schedule of amendment.

Amendment be carried out forthwith.

Re-verification dispensed with.

2. On 21st January 2020, the consent terms executed between plaintiffs and defendant No.2 were tendered before the Court.

3. The learned counsel for defendant No.1 had submitted that

defendant No.1 would respond to the proposed settlement of the dispute between the plaintiff and defendant No.2 within a week's time. Today, the learned counsel for defendant No.1 seeks further time.

4. The learned counsel for the plaintiffs submits that the plaintiff seeks permission to withdraw the suit as against defendant No.1 in view of the settlement arrived at between the plaintiffs and defendant No.2.

5. In view of the aforesaid submission, the suit as against defendant No.1 stands dismissed as withdrawn.

6. The consent terms are executed by plaintiff No.2, Mr. Milan D. Shah, for himself and in the capacity of the constituted attorney of plaintiff No.1- Usha Shah, his mother. The consent terms are executed by Mr. Aamir Jamal, the authorized representative of defendant No.2-Company, who has been authorized by a resolution, a copy of which is annexed to the consent terms at Exh.'D' (page 50).

7. The plaintiff No.2 and Mr.Aamir Jamal, the authorized representative of defendant No.2 are present before the Court. They admit the contents of the consent terms and their signatures. They are identified by their respective counsels. The consent terms are taken on record and marked 'X'.

8. The undertakings given by the parties in the consent terms are accepted as undertakings to this Court.
9. In view of the consent terms, the suit stands decreed in accordance with the consent terms as against defendant No.2. The consent terms shall form part and parcel of the decree.
10. The plaintiffs are entitled to refund of court fees, if any, as per rules.

[N.J. JAMADAR, J.]