

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.136 OF 2012
WITH
CIVIL APPLICATION NO.3971 OF 2015

Vaman Nagar (Moti-I) Co-Op. Hsg.

Society Ltd. & Ors.

.. Appellants

Versus

Alka Bhuvan Co-Op. Hsg. Society Ltd. & Ors... Respondents

...

Mr.Vikas Rele i/b Mr.Sameer R. Bhalekar for the
Appellants/Applicants.

Mr.Freddy Bhadha for the Respondent No.1.

Ms.Shilpa Redkar for the MCGM.

...

CORAM: BHARATI DANGRE, J.

DATED : 26th NOVEMBER, 2021

P.C:-

1. In the Appeal, which is admitted on 20/04/2012, today the appellant and respondent No.1, being the contesting respondent, have tendered the minutes of the consent terms drawn between them pursuant to which, the First Appeal is sought to be disposed of.

In the Appeal, the MCGM as well as the Developer are also impleaded as parties.

2. The consent terms signed on 01/03/2020 bear the signatures of the office bearers of both the societies as well as their respective counsel. Appellant No.1 through its Chairman Mr.Tarkar, Appellant No.2 through its Treasurer Mr.Shailesh Bavisi, Appellant No.3 through its Treasurer Mr.Bhadresh Shah and Respondent No.1 through its Chairman Jayesh Jethwa are present in the court and their identity is verified by the Sheristedar by ascertaining their Aadhar Card. The consent terms are taken on record and marked 'X' for identification.

3. The terms of settlement set out that the appellant and Respondent No.1 have resolved their dispute and difference by mutual understanding arrived between them, by including a statement to the following effect,

“5.At present the Appellants and the Respondent No.1 herein have resolved all their disputes and differences by mutual understanding arrived at between them and which were mainly arisen in the past in respect of passing of the drainage pipeline of the Appellant Socialites through the si said property of the Respondent No.1. Both the parties have now amiably resolved all their disputes and differences and have arrived at an Understanding and Agreement which is mutually agreed between them in the manner hereinafter appearing.”

Paragraph 18 of the consent terms reads as under :-

“18. It is resolved between the Appellants' Societies and the Respondent No.1 that if any differences and

disputes arose in future between them with regard to any of the conditions and the clauses mentioned in these Consent Terms then the same shall be resolved amicably through mediation between them.”

4. In view of the consent terms, which are taken on record and accepted, First Appeal No.136 of 2012 is disposed of alongwith pending applications.

5. Since the MCGM is not a party to the settlement arrived at between the appellants and respondent No.1, it is at liberty to prosecute either of the parties for any contravention of law, as per rules.

(SMT. BHARATI DANGRE, J.)