

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.13 OF 2020

ITC Limited .. Applicant

Vs.

Emma Locke & Ors. .. Respondents

...

Mr. Kevic Setalvad, senior counsel with Mr. Cyrus Bharucha, Mr. Nimish Kothare and Mr. Nikhil Mutha i/b Nanu Hormasjee & Co. for the applicant.

Mr. Chirag Mody with Ms. Saloni Shah i/b DSK Legal for respondent No.3.

Mr. Mahendra Ghelani with Mr. Nishit Patel and Mr. Sanyam Jain i/b Law Charter for respondent Nos.7 and 8.

Ms. Rekha Rane, 2nd Assistant to Court Receiver is present in the court.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 29TH OCTOBER, 2021.

P.C:-

1. During the pendency of the present miscellaneous civil application, which has been filed by invoking Section 13 of the

AJN

Letters Patent and Section 24 of the CPC, seeking transfer of T.E.R. Suit No.171 of 2013 pending before the Court of Small Causes at Bombay and Suit No.3144 of 2012 pending before the City Civil Court at Bombay to this court, to be tried together. The applicant - ITC Limited and respondent No.3 – Jacqueline Angela Meers, have amicably arrived at a consent terms, which are placed before me, today. The consent terms are signed by the applicant and respondent No.3 along with their respective counsel. The consent terms signed on 28/09/2021 are accepted and marked as 'X' for identification.

2. The terms read as under:

- “1. The Applicant on account of commercial and business exigencies has decided to, and shall hand over quiet, vacant and peaceful possession of the suit premises, being Flat No.101, situated on the 1st floor, Mark Haven Building, Apollo Bunder, M.P. Ramchandani Marg, Mumbai -400 039 to the Court Receiver, High Court, Bombay after removing their belongings, on or before 30 days from the date of this order.*
- 2. Respondent No.3 confirms and undertakes that she has no claim to any mesne profits, or any other claim of any nature in respect of the suit premises against the Applicant.*
- 3. These Consent Terms are without prejudice to all the rights and contentions of the Applicant and without prejudice to the stand taken by the*

*Applicant in Suit No.3144 of 2011 and TER
Suit No.171 of 2014.*

4. *Each party to bear its own costs.”*

3. In the wake of the aforesaid consent terms, the application filed by the applicant is not pressed.

4. Misc. civil application stands disposed of in terms of the consent terms..

[SMT. BHARATI DANGRE, J.]