

DDR

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

**COMMERCIAL SUIT NO. 109 OF 2017
WITH
NOTICE OF MOTION NO. 1610 OF 2018
IN
COMMERCIAL SUIT NO. 109 OF 2017
WITH
CHAMBER ORDER (L) NO. 1094 OF 2017
IN
COMMERCIAL SUIT NO. 109 OF 2017**

DHANSUKHLAL MAGANLAL DAMNIWALA ..PLAINTIFF

VS.

DR. ABHIJIT PRABHAKAR DESAI & ORS. ..DEFENDANTS

Mr. Shekhar Baburao Prabhavalkar for plaintiff.

Mr. Ashotosh Abhyankar present.

Mrs. Ashwini Abhyankar present.

Ms. Sanhita present.

Mrs. Gauri Desai present.

Smt. Yamuna Parekh, Shri Sagar Patil for MCGM.

Mr. Alankar Kirpekar i/b. MAG Legal for defendant Nos. 1 to 6.

Mr. P.G. Lad a/w. Aparna Kalathil for defendant No.9.

CORAM : M.S.KARNIK, J.

**DATE : MAY 25, 2021
(VIA V.C.)**

P.C.:-

Learned counsel for the plaintiff and defendant Nos. 1 to 6 have tendered the consent terms which are taken on record and marked as Exhibit 'X' for identification. The consent terms are duly signed by the plaintiff and defendant Nos. 1 to 6. The consent terms are also signed by their respective counsel for the purpose of identification.

2. I have interacted with the plaintiff through video conferencing. He is identified by the advocate for the plaintiff. The plaintiff agrees to have signed the consent terms and also agrees to abide by the terms of the consent terms.

3. I have also interacted with the defendant Nos. 1 to 6 through video conferencing. They are identified by their advocate representing them. The defendant Nos. 1 to 6 agree to have signed the consent terms and also agree to abide by the same.

4. The defendant Nos. 7 to 9 are formal defendants and no relief is claimed against the defendant Nos. 7 to 9.

5. I have heard learned counsel for defendant No. 9 – MHADA. She reiterates that no relief has been sought against the defendant No.9 – MHADA.

6. In view of what is stated in the consent terms, the present suit i.e. Commercial Suit No. 109 of 2017 is disposed of in terms of the consent terms.

7. The plaintiff is entitled to refund of Court fees as per the rules.

8. In view of the disposal of the suit, Notice of Motion No.1610 of 2018 and Chamber Order (L) No. 1094 of 2017 stand disposed of. No order as to costs.

(M.S.KARNIK, J.)