

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

SUIT NO. 301 OF 2021
WITH
INTERIM APPLICATION NO. 12784 OF 2021

Jyotsana Param Obhan

...Plaintiff/
Applicant

Versus

Pooja Chandru Bhatia And Anr.

...Defendants

Mr. Deepak Shukla i/by Vinod Mistry, for the Plaintiff.

Mr. Akshay Pai a/w Maansi Gupta i/by Bina R. Pai, for the Defendants.

CORAM : N. J. JAMADAR, J.

DATE : 17th DECEMBER, 2021.

P.C.:

1. Heard the learned counsel for the parties.
2. The learned counsels make a joint statement that the parties have amicably resolved the dispute and executed the consent terms.
3. The learned counsels have tendered the consent terms.
4. The plaintiff and defendant Nos.1 & 2 are present before the Court. The plaintiff and defendant Nos. 1 & 2 admit the contents of the consent terms and execution thereof.

The consents terms are taken on record and marked "X"
for identification.

5. Upon being specifically inquired, the plaintiff and defendant Nos. 1 & 2 submitted that they are agreeable to the terms incorporated in the consent terms and will abide by the undertakings given therein. As regards the contents of Para No.3(a-ii), the parties submit that it has been inadvertently mentioned that the dividing wall between Flat No. A-101 and Flat No. A-102 has already been constructed. However, the construction of the said wall is to commence within the next 15 days. The defendants undertake that the said wall would be constructed, in any event, before 28th February, 2022, on or before which the possession of Flat No. A-101 is to be delivered to the plaintiff.

6. The statement made by the defendant Nos.1 & 2 is accepted as an undertaking given to the Court and clause 3(a-ii) of the consent terms stands modified accordingly.

7. The undertakings given in the consent terms by the respective parties are accepted as undertakings given to the Court.

8. In view of the above, the suit stands decreed in accordance with consent terms 'X'.

9. The consent terms "X" shall form part and parcel of the Decree.

10. The plaintiff is entitled to refund of Court fees.

11. Decree be drawn accordingly.
12. In view of the disposal of the Suit, Interim Application stands disposed of.

(N. J. JAMADAR, J.)