

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

COMMERCIAL SUIT NO. 866 OF 2017

**WITH
NOTICE OF MOTION NO. 221 OF 2018
IN
COMMERCIAL SUIT NO. 866 OF 2017**

Rishabraj Estate Developers Pvt. Ltd. ... Plaintiff

Versus

Hansa Mukund Thakar & Ors. ... Defendants

Mr. Zain Mookhi a/w Dhaval Mehta i/b DM Legal Associates for the Plaintiff.

Mr. Piyush Raheja a/w Ankur Kalal i/b Markand Gandhi & Co. for Defendant Nos.1 to 11.

Dr. Sachin M. Thakar for Defendant No.2.

Mr. Urmil B. Thakar for Defendant No.5.

Mr. Parth H. Thakar, Mr. Urmil B. Thakar, Power of Attorney Holder for Defendant Nos.1, 3, 4, 6, 7, 8, 9, 10 and 11.

Ms. Sneha Vani Marjadi for Defendant No.12.

CORAM : R.I. CHAGLA, J.

DATED : 22nd DECEMBER, 2021.

ORDER :

1 The constituted attorneys for Defendant Nos. 1, 3, 4, 6, 7, 8, 9, 10 and 11 are present in Court. They are under the respective powers of attorney enclosed with the consent terms authorized to consent on

behalf of Defendant Nos.1, 3, 4, 6, 7, 8, 9, 10 and 11. The original board resolution of the Plaintiff authorizing Mr. Darshil Hiren Shah to execute the consent terms is also tendered and taken on record. By the order bearing the same date, Defendant No.12 has been added as Defendant in the above Suit. The original authority letter authorizing Mr. Darshil Hiren Shah to execute the consent terms is tendered and taken on record.

2 The parties have settled their disputes. Consent Terms are tendered. The Consent Terms are taken on record and marked 'X' for identification with today's date. I am satisfied that the Consent Terms are in order, not contrary to law and have been drawn by the parties of their own volition in reflection of their true intentions.

3 The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.

4 The Suit is disposed of and decreed in accordance with the Consent Terms.

5 Drawn up decree/ order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.

6 A soft copy of the Consent Terms will be uploaded as the second order in the matter.

7 The Registry is to ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

8 Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

9 All concerned will act on production of a digitally signed copy of this order.

10 On disposal of the Suit, the Notice of Motion does not survive and is disposed of accordingly.

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2021.12.22
22:50:37
+0530

(R.I. CHAGLA, J.)