

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION
FIRST APPEAL No. 849 OF 2011****Tribhuvandas M. Rughani and Ors. ...Appellants****Vs.****Shree Raghuvanshi Cooperative
Housing Society Ltd. and Ors. ...Respondents****WITH
INTERIM APPLICATION No. 2545 OF 2022
IN
FIRST APPEAL No. 849 OF 2011****Badal Ashokkumar Motiramani ...Applicant****In the matter between****Tribhuvandas M. Rughani and Ors. ...Appellants****Vs.****Shree Raghuvanshi Cooperative
Housing Society Ltd. and Ors. ...Respondents****WITH
CIVIL APPLICATION No. 9 OF 2019
IN
FIRST APPEAL No. 849 OF 2011****WITH
CIVIL APPLICATION No. 2524 OF 2017
IN
FIRST APPEAL No. 849 OF 2011****Tribhuvandas M. Rughani and Ors. ...Applicants****Vs.****Shree Raghuvanshi Cooperative
Housing Society Ltd. and Ors. ...Respondents***** * * *****Mr. Yogesh Adhia for Appellant and for Applicant in
CAF/09/2019 and CAF 2524/2017****Mr. Sushant Walimbe a/w. Hansikar Walimbe a/w.
Aarti Nishad i/b. Hansika Sable for Applicant in
IA/2545/2022**

**Mr. Shreepad Murthy a/w. Clarissa Mirauda a/w. Mr. Abhishek Patil i/b. Anand Nikhal for Respondent No.1
Mr. R.Y. Sirsikar for Respondent Nos. 11 and 12 -
MCGM**

Coram : Sandeep K. Shinde, J.

Dated: 20th APRIL, 2022.

P.C. :

1. This First Appeal challenges the judgment and decree dated 22nd February, 2011 passed in Suit No. 7346/2000 by the Judge, City Civil Court at Bombay. Appellants-Defendant Nos.1 and 2, being "Promoters", within the meaning of MOFA, have preferred this appeal. Pending appeal, the parties thereto, have settled the dispute. The consent terms placed on record, modifies the decree to the extent, stated in paragraph 5 of the consent terms. Although Respondent Nos. 9 and 10 are not party to the consent terms, Clause No. 5, provides and preserves the, rights of Respondent Nos. 9 and 10.

2. Mr. Surendra Shah, Constituted Attorney of Appellant Nos. 1 and 2 is present in the Court. A copy of Power of Attorney is annexed to the consent terms. Appellant Nos. 3A and 4 are present in the Court. They admit, contents of the consent terms. They are identified by their advocates.

3. So far as Respondent No.1 – Original Plaintiff is concerned, the Chairman, Secretary and Treasurer of Respondent No.1 are present in the Court. They have admitted the consent terms, in view of the resolution passed by the Managing Committee of the respondent No.1. In so far as Respondent Nos. 2 to 12 are concerned, the Appellants have withdrawn the appeal against them, as stated in Clause 2 of the consent terms. Consent Terms, modifying the decree passed in L.C.Suit No. 7346/2000 passed by the City Civil Court, Bombay is taken on record and marked 'X-1' for identification. In consideration thereof, the impugned decree stands modified. Decree be drawn accordingly. First Appeal is accordingly disposed of in the aforesaid terms, including all applications and IA No. 2545 of 2022. Needless to state that, all interim orders passed in the First Appeal stand vacated.

(Sandeep K. Shinde, J.)