

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

**ARBITRATION APPLICATION NO. 28 OF 2020
WITH
COMMERCIAL ARBITRATION PETITION NO. 1355 OF 2019 (NOT ON
BOARD)**

Salauddin Mohammed Ansari ...Applicant/Petitioner

vs.

1. Macrotech Developers Pvt.Ltd., and
2. Shaheen Ansari

...Respondents

Ms.Anita Shekhar Castellino i/b. Bruno Castellino for Applicant/Petitioner.
Ms.Tanishka Desai i/b. Vashi & Vashi for Respondent No.1.
Mr.Vrushabh Savla for Respondent No.2.

CORAM : G. S. KULKARNI, J.

DATED : 13 JUNE 2022

P.C. :

. Learned Counsel for the parties have tendered Consent Terms to submit that the disputes between the parties subject matter of the Section 9 petition (Commercial Arbitration Petition No.1355 of 2019) and Section 11 petition (Arbitration Application No.28 of 2020) be disposed of in terms of the Consent Terms.

2. The Consent Terms are signed by the Applicant/Petitioner and Respondent No.1 and Respondent No.2. All the signatories in terms of the Consent Terms are present in the Court. The Consent Terms are also signed by their respective Advocates. There is no dispute as to the signature as made on the Consent Terms. The Consent Terms are taken on record, marked "X" for identification.

3. The petition and the application would be required to be disposed of in terms of the Consent terms. The parties agree that the payment of Rs.10,000/- per day on default as agreed to be paid by Respondent No.1 to the Applicant and Respondent No.2 jointly, in case the possession is not handed over by Respondent No.1 on or before 28 June 2022, shall be subject to the cheque of Rs.3,27,711/- dated 13 June 2022 being cleared and not dishonoured. Needless to observe that as Respondent No.1 as wholeheartedly desires to settle the disputes in terms of the Consent terms, Respondent No.1 will not create any third party rights whatsoever for the Consent Terms to be totally worked out and attains a finality. Also, learned Counsel for Respondent No.1 states that so far no third party rights of any nature of whatsoever have been created by Respondent No.1 in respect of the subject flat.

4. Accordingly, both the proceedings stand disposed of in terms of the Consent Terms. No costs.

(G.S. KULKARNI, J.)