

jsn

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

SUIT NO.412 OF 2017

Rajendra Dhirajlal Makwana

...Plaintiff

Versus

M/s. Divij Developers & Ors.

...Defendants

Neel Gala i/b. Piyush Shah for the Plaintiff.

Ooril N. Panchal with Ishaan Mahimtura i/b. Mahimtura & Co. for
Defendant Nos.1 and 2.

CORAM : R.I. CHAGLA J.
DATE : 4TH AUGUST, 2022.

ORDER :

1. The parties have settled their disputes. Consent Terms dated 4th August, 2022 have been tendered and is taken on record and marked 'X' for identification. The Consent Terms have been signed by the Plaintiff and Advocate for the Plaintiff as well as by Defendant Nos.1 and 2 and Advocate for Defendant Nos.1 and 2. Appended to the Consent Terms at annexure 1 is a letter addressed by the Advocates for the Plaintiff to the Prothonotary and Senior Master of this Court which is for withdrawal of Commercial Suit

No.950 of 2018 and also referring to the present Consent Terms filed in the captioned Suit. Further appended to the Consent Terms at annexure 2 collectively is the possession letter of the Suit flat along with the letter for allotment for two parking space against the Suit flat as per the Permanent Alternate Accommodation Agreement. A plan of the Car parking space showing the car parking space is provided to the Plaintiff is also appended to the Consent Terms. The Defendant Nos. 1 and 2 have paid a sum of Rs.15,00,000/- by cheques. Copies of three cheques of Rs.5,00,000/- each are appended at annexure 3 to the Consent Terms. The particulars to which are given in paragraph 5 of the Consent Terms.

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

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

4. The Interim Applications, if any, filed do not survive and are disposed of accordingly.

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.

[R.I. CHAGLA J.]