

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

**SUIT NO.629 OF 2013
WITH
INTERIM APPLICATION (L) NO.8527 OF 2021**

Rekha Dilip Jain & Ors

...Applicants/
proposed
Defendants

In the matter between

Man Chandak Developers Pvt Ltd

...Plaintiff

Vs.

Dilip Mangilal Jain

...Defendant

Mr. Ankit Lohia with Ms. Rujuta Patil i/b Negandhi Shah &
Himayatullah, for Plaintiff.

Mr. Pankaj S. Shinde i/b R.K. and Co., for Defendant.

Mr. E.B. Sivakumar, 1st Assistant to Court Receiver.

CORAM: N. J. JAMADAR, J.

DATED : 6th DECEMBER, 2022

PC:-

INTERIM APPLICATION (L) NO.8527 OF 2021

1. This application is preferred to bring the applicants on record as the legal representatives of defendant, who passed away on 31st December, 2020.

2. The learned Counsel for the plaintiff submits that the plaintiff has no objection to allow the application and bring the

applicants as the legal representatives of the deceased-defendant.

- 3.** The application is supported by copy of the death certificate and affidavit.
- 4.** The application is preferred within the stipulated period of limitation.
- 5.** Hence, the application is allowed.
- 6.** The plaintiff shall carry out necessary amendment to bring the applicants as the legal representatives of deceased-defendant on record.
- 7.** Necessary amendment be carried out forthwith.
- 8.** Re-verification dispensed with.
- 9.** Application stands disposed.

SUIT NO.629 OF 2013

- 1.** The learned Counsel for the plaintiff submits that in the intervening period the corporate name of the plaintiff has changed.
- 2.** The learned Counsel seeks leave to amend the plaint in accordance with draft of the amendment handed in.

Leave granted.

- 3.** Necessary amendment in accordance with draft of the amendment handed in (X) be carried out forthwith.
- 4.** Re-verification dispensed with.
- 5.** The learned Counsel for the plaintiff and the learned Counsel for the defendant Nos. 1a to 1c submit that the parties have amicably resolved the dispute and they have executed consent terms.
- 6.** The learned Counsel tender the consent terms.
- 7.** Defendant No.1a- Rekha Dilip jain, Defendant No.1b- Akshay Dilip Jain and defendant No. 1c- Ayesha Dilip jain and Mr. Abhay Chandak, the Director of the plaintiff, are present before the Court. They admit the contents of the consent terms and execution thereof.
- 8.** Upon being inquired, Mr. Chandak and the defendant Nos. 1a to 1c specifically state that they are agreeable to the disposition of the suit in accordance with the consent terms and they have executed the consent terms voluntarily.
- 9.** It appears that the parties have arrived at a comprehensive settlement of the dispute. It seems that there is no coercion or duress.
- 10.** Consent terms are thus taken on record and marked (XX).

11. In view of the above, the suit stands decreed in accordance with the consent terms (XX).

12. Undertakings given in the consent terms are accepted as undertakings to the Court.

13. The consent terms (XX) shall form part and parcel of the decree.

14. The plaintiff is entitled to refund of the Court fees in accordance with the Rules.

15. The Court Receiver stands discharged without passing accounts.

16. The Court Receiver submits that some amount is due to the plaintiff. The Court Receiver is permitted to refund the amount to the plaintiff after deducting his costs and charges.

[N. J. JAMADAR, J.]