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

SUIT NO.268 OF 2021

Captain Swapan Paul & Anr.

...Plaintiffs

Versus

Arth Housing Development Pvt. Ltd. & Ors.

...Defendants

Yash Jain with Aarti Jumani i/b. Rajani Associates for the Plaintiffs.

Mansi Shah i/b. Pravin Mehta Mithi and Co. for Defendant Nos.1 to 4.

Mr. Rajat Dedhia, i/b. Mr. Dushyant Purekar for Defendant No.5.

CORAM : R.I. CHAGLA J.

DATE : 22ND JULY, 2022.

ORDER :

1. The parties have settled their dispute. Consent Terms dated 22nd July, 2022 are tendered and taken on record and marked 'X' for identification with today's date. These are signed by the Plaintiff Nos.1 and 2 and the Advocate for the Plaintiffs as well as by Defendant Nos.1, Defendant No. 2 through its partners, Defendant Nos.2A and 2B through Defendant No.2C as Constituted Attorney as well as by their Advocates and Defendant Nos.2C and 3.

2. Appended to the Consent Terms the resolution of the

Board of Directors of the Defendant No.1 authorising the signatory to the Consent Terms to execute the Consent Terms, Power of Attorney of Defendant No.2A and 2B authorising Defendant No.2C to execute the Consent Terms on their behalf. The parties are present in Court.

3. 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.

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

5. In paragraph 12 of the Consent Terms, it is recorded that in view of the settlement arrived at as per Consent Terms, the present Suit is withdrawn against Defendant Nos. 4 and 5. Accordingly, the Suit is disposed of as withdrawn against Defendant Nos.4 and 5.

6. The Suit is disposed of and decreed in accordance with the Consent Terms against rest of the Defendants.

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

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

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

10. 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.

11. 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.]