

COMMERCIAL SUIT NO. 1241 OF 2018
WITH
NOTICE OF MOTION (L) NO. 1186 OF 2018

Versus

Arihant Trading Co. & Ors. ... Defendants

Mr. Nitesh Pandey i/b Vaibhav Mehta & Association for Defendant Nos.1 to 3.

DATED : 14th SEPTEMBER, 2022.

ORDER :

1 The parties have settled their disputes. Consent Terms dated
14.09.2022 are tendered and are taken on record and marked 'X' for
identification. These are signed by the Plaintiffs and the Advocate for the
Plaintiffs as well as by the Defendants and the Advocate for the
Defendants.

2 Appended to the Consent Terms is the General Power of Attorney executed by Defendant No.5 authorising Defendant No.1 to execute the Consent Terms also on behalf of Defendant No.5. Both are

Trustees of Mumbai Grain Dealers Association, an unregistered Association. Also appended to the Consent Terms is the Power of Attorney executed by Defendant No.3 authorising Defendant No.2 to attend the Court on his behalf for the above legal proceedings and pursuant to which the Defendant No.2 is present in Court. It is noted that the Plaintiffs are also present in Court as well as the Partner of Defendant No.1 is present in Court.

3 Defendant Nos.1 to 3 have agreed and undertaken to vacate the Suit Godown and handover quiet, vacant and peaceful possession of the Suit Godown to the Plaintiff within 7 days from the signing of the Consent Terms and on receipt by the Defendants of a sum of Rs.1,00,000/- from the Plaintiffs.

4 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.

5 The undertakings recorded in the Consent Terms shall be accepted as undertakings to the Court.

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

7 The Notice of Motions filed in the captioned Commercial Suit, does not survive and are accordingly disposed of.

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.

12 All concerned will act on production of a digitally signed copy of this order.

(R.I. CHAGLA, J.)