

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

**INTERIM APPLICATION NO. 3294 OF 2022
IN
COMMERCIAL SUMMARY SUIT NO. 52 OF 2022**

Mrs. Ulka Chatur Kothare ...Plaintiff
Vs.

Ani Anu Developers Pvt. Ltd. and Ors. ...Defendants

Mr. Mutahhar Khan a/w Charu Shukla i/b Mr. Abhishek
Mishra, for Plaintiff.

Ms. Dhanashree Hublikar i/b YMK Legal, For Defendants.

CORAM: N. J. JAMADAR, J.

DATED : 28th NOVEMBER, 2022

PC:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel submits that the plaintiff and defendant No. 2 have arrived at an amicable settlement of the dispute. They have executed consent terms.
3. The learned Counsel tendered the consent terms executed by and between the plaintiff and defendant No. 2.
4. The parties to the consent terms are present before the Court. They submit that they have executed consent terms voluntarily. They admit the contents of the consent terms and

their signatures thereon. They are identified by their respective Advocates.

5. Upon being inquired, Mr. Akshat Gupta, defendant No. 2 and Ms. Ulka Kothare, the plaintiff submit that they are agreeable to the disposition of the suit in accordance with the consent terms and they would abide by the undertakings therein.

6. It seems that the parties have voluntarily executed the consent terms and there is no coercion or duress.

7. The consent terms are taken on record and marked "X".

8. The learned Counsel for the plaintiff submits that in view of the settlement arrived at with the defendant No.2, the plaintiff does not wish to prosecute the suit against defendant Nos. 1, 3 and 4.

9. Hence, the following order.

:ORDER:

i) The suit stands disposed in accordance with the consent terms (Exhibit X).

ii) The undertakings given in the consent terms are accepted as undertakings to the Court.

iii) Decree be drawn up in accordance with the consent terms.

- iv) Consent terms shall from part and parcel of the decree.
- v) The suit stands disposed as withdrawn qua defendant Nos. 1, 3 and 4.
- vi) The plaintiff is entitled to refund of the Court fees in accordance with the Rules.
- Vii) In view of the disposal of the suit, Interim Application also stands disposed.

[N. J. JAMADAR, J.]