

Sharayu Khot.

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

SUIT NO. 989 OF 2015

Vijay T. Thakkar & Anr.

...Plaintiff

Versus

Dilip Maneklal Nanavati & Ors.

...Defendants

Mr. Ashwin Shete a/w Mr. Zeeshan Syed i/by M/s. Jayakar &
Partners for the Defendant Nos. 1 to 4.

Mr. Vijay T. Thakkar Plaintiff No. 1 present in person.

CORAM : R.I. CHAGLA J

DATE : 11 November 2022

ORDER :

1. The parties have arrived at a settlement. Consent Terms dated 14th October 2022 are tendered. The Consent Terms are taken on record and marked 'X' for identification. These are signed by the Plaintiffs and Defendant Nos. 1 to 4 and the Advocate for the Defendant Nos. 1 to 4.

2. In clause 4 of the Consent Terms, Registered Deed of

Assignment dated 14th October 2022 executed between the Plaintiffs and the Defendant Nos. 1 to 4 is referred to by which the Defendant Nos. 1 to 4 have transferred their entire right, title and interest in the suit plot and suit building to the Plaintiffs. Copy of the said registered Deed of Assignment is appended to the Consent Terms.

3. In clause 5 of the Consent Terms, it is stated that in furtherance of the said registered Deed of Assignment dated 14th October 2022, vacant possession of the suit plot has been handed over by the Defendant Nos. 1 to 4 to the Plaintiffs and they are now in uninterrupted vacant, peaceful possession of the same.

4. Parties have thereafter stated that there is no dispute pending between them and relief claimed in the Suit have become infructuous.

5. Accordingly, the Plaintiffs including Plaintiff No. 1, who is present in Court, has sought leave to withdraw the Suit No. 989 of 2015 in accordance with the Consent Terms.

6. Accordingly. Suit No. 989 of 2015 is disposed of as

withdrawn.

7. Interim Applications, if any, are also disposed of, as become infructuous.

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.]