

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.396 OF 2023**

Parinee Realty Pvt. Ltd. & Ors. ...Appellants

V/s.

Mr. Brian Dsilva & Anr. ...Respondents

**WITH
INTERIM APPLICATION NO.12877 OF 2023
IN
SECOND APPEAL NO.396 OF 2023**

M/s. Parinee Realty Pvt. Ltd. ...Applicant

In the matter between

Parinee Realty Pvt. Ltd. & Ors. ...Appellants

V/s.

Mr. Brian Dsilva & Anr. ...Respondents

Mr. Gouresh Mogre i/b Anwar Landge, for the Appellants.

Mr. Bhupendra Singh-Appellants' Legal Consultant present.

Mr. Brian Dsilva-Respondent No.1, present.

Ms. Fredella Dsilva-Respondent No.2, present.

**CORAM : MADHAV J. JAMDAR, J.
DATED : JUNE 27, 2023**

P.C.:

1. Mr. Mogre, learned counsel appearing for the Appellants states that, the dispute between the parties is

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settled. He tenders the Consent Terms executed between the parties. The Consent Terms are signed by Mr. Dhaval Shah, Director of the Appellant-Company. Mr. Mogre, learned counsel states that, said Mr. Dhaval Shah is not present in the Court due to some personal difficulty, however, Mr. Bhupendra Singh, Legal Consultant of the Appellant-Company is present in the Court.

2. Mr. Mogre, learned counsel appearing for the Appellants identifies the signature of Mr. Dhaval Shah, Director of the Appellant-Company as appearing on the Consent Terms. Respondent No.1-Mr. Brian Dsilva and Respondent No.2-Ms. Fredella Dsilva are personally present in the Court. Both of them confirm that the dispute between the parties has been settled in terms of the Consent Terms. Both of them have signed the Consent Terms and their Aadhar Cards and Pan Cards are also enclosed to the Consent Terms.

3. The Consent Terms records that the Appellants have handed over the possession of the Flat No.702 on 20th November, 2020 to the Respondents and also have paid an aggregate amount of Rs. 8,00,000/- [Rupees Eight Lakhs

Only] towards full and final settlement of all or any claim of the Respondents. The Respondents who are personally present in the Court confirm about the receipt of the same and the same is towards full and final settlement of the monetary claim if any.

4. Accordingly, the said Consent Terms are taken on record and marked “X” for identification.

5. The Second Appeal No.396 of 2023 is disposed of in terms of the Consent Terms. Accordingly, the order dated 11th November, 2021 passed in Complaint No.CC006000000079210 as well as the order dated 28th November, 2022 passed in Appeal No.AT006000000053520 are quashed and set aside and the said Complaint No.CC006000000079210 is disposed of in terms of the Consent Terms.

6. Accordingly, the Second Appeal is disposed of in above terms with no order as to costs.

7. In view of disposal of the Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]