

**IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3048 OF 2023**

DISTRICT : MUMBAI

Anupama Narsey)
Aged --- years, Indian Inhabitant,)
residing at Flat 901, Paavan Residency,)
21, Vithalnagar Society, 11th Road, N. S.)
Road, J.V.P.D. Scheme, Vile Parle (W),)
Mumbai-400 049.) ... Petitioner

Versus

1. Ishwar Gupta,)
Aged years, Indian Inhabitant,)
currently residing at Flat No.301, 3rd)
Floor, Paavan Residency, N. S. Road)
No.11, J.V.P.D. Scheme, Vile Parle (W),)
Mumbai - 400 049.)
Cell: 8779520227)
2. The Ld. Competent Authority,)
Rent Control Act, Konkan Division,)
Mumbai, having office at Griha Nirman)
Bhavan, 5th Floor, (MHADA), Bandra)
(East), Mumbai-400 051.)
3. Additional Commissioner)



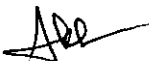


Konkan Division, 15, Madam Cama)
 Road, Mantralaya, Fort, Mumbai,)
 Maharashtra 400 032.) ... Respondents

**CONSENT TERMS BETWEEN THE PETITIONER AND THE
RESPONDENT NO.1**

1. The Respondent No.1 admit and confirm Petitioner is owner of the said premises being Flat No. 301, 3rd floor, Paavan Residency, N.S. Road No. 11, JVPD Scheme, Vile Parle West, Mumbai - 400049. (hereinafter referred to as "said premises") and had given out the said premises to the Respondent No.1 on leave and license basis which has expired by efflux of time. The Petitioner has sought eviction and recovery possession and arrears of compensation against the Respondent No.1 in respect of the said premises. The said dispute inter the parties has culminated into the present Writ Petition.

2. The matter came up for hearing before this Hon'ble Court on 21.04.2023 wherein the parties herein agreed to certain terms and conditions and to give certain undertakings to the Hon'ble Court and in consonance with what was agreed in the hearing these consent terms are being entered into in order to dispose off the present Writ Petition

3. The Respondent No.1 agrees and undertakes to vacate the said premises and handover the peaceful and vacant possession to the Petitioner on or before end of day (5.00 p.m.) 3rd of May 2023.

4. The Respondent No.1 agrees and undertakes to this Hon'ble Court to pay a lump sum compensation Rs. 31,90,000/- (Thirty one Lakhs Ninety Thousand only) being the arrears of compensation for the period September 2021 to 30th April, 2023 for 20 months @ Rs.1,59,500/- per month to the Petitioner in two equal installments. The first installment for the sum of Rs. 15,95,000/- (Fifteen Lakhs Ninety Five Thousand Only) will be given in the name of the Petitioner on 15th May, 2023 by pay order and Rs. 15,95,000/- (Fifteen Lakhs Ninety Five Thousand Only) in the name of Petitioner will be given on 31st May, 2023 by pay order, without fail.

5. In view of the above the Petitioner herein agrees to not agitate its claims regarding the disputed amount against the Respondent No.1 under Sec. 24 of the Maharashtra Rent Control Act, 1999 as claimed in the present Writ Petition under the leave and license transaction in respect of the said premises and thereby withdraw the Application No. 124 of 2020 pursuant to and subject to the on time compliance by the Respondent No.1 of the terms/ conditions/ undertakings agreed in paragraph 3 & 4 stated herein above. In view of the above the Petitioner and the



Respondent No.1 shall withdraw the allegations and complaints, if any, lodged against each other before any authority and will not pursue the same.

6. The consent terms and undertaking filed in this Petition before this Hon'ble Court be treated an undertaking to this Hon'ble Court.

7. In view of the amicable settlement between the petitioner and Respondent No.1, subject to the compliance of the terms in paras 3 & 4 herein the Petitioner withdraws the Petition against the Respondent Nos.2 and 3. The present Writ Petition shall be disposed off in light of the fore stated consent terms.

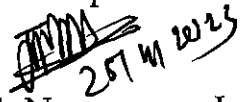
8. The parties to bear their own cost. No order as to Cost.



Anupama Narsey
Petitioner



Ishwar Gupta
Respondent No.1


Advocate for the Petitioner
Jagdish Narayanrao Jayale
Advocate for Respondent No.1

THE HIGH COURT OF JUDICATURE AT
MUMBAI

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3048 of 2023

Anupama Narsey. ... Petitioner

V/S

Ishwar Gupta & Ors. ... Respondents

**CONSENT TERMS BETWEEN PETITIONER
AND THE RESPONDENT NO.1**

Dated this 20th day of April, 2023.

JAGDISH NARAYAN JAYALE

Advocate for Respondent No.1,

Off. : Shop No.43, 1st Floor,

Hi ! Life Mall, Near Railway Station,

P. M. Road, Santacruz (W), Mumbai - 54

AND

Res. : Flat No.1003, 10th Floor, Romell

Umiya Grandeur, Vishveshwar

Nagar Road, Near Udipi Vihar Hotel,

Goregaon (E), Mumbai 400 063.

Mobile No.9820485960 / 9820085960