

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.574 OF 2023
WITH
INTERIM APPLICATION NO.13630 OF 2023**

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
PAREKAR

Date: 2023.08.19
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Deboshri Gaine

...Appellant

vs.

The Municipal Corporation of Greater Mumbai

...Respondent

Mr. Sanjeev Sawant i/b. Mr. Heramb Kadam and Ms. Samiksha Mane, for the Appellant.

Mr. Rohit Lalwani a/w. Ms. Affiya Diamondwala i/b. Diamondwala & Co., for the proposed Respondent No.2.

Mr. A.Y. Sakhare, Senior Advocate a/w. Ms. Smita Tondwalkar for MCGM.

Smt. Deboshri Gaine, the appellant present.

CORAM : N. J. JAMADAR, J.

DATE : AUGUST 17, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. Mr. Lalwani submits that he has instructions to appear on behalf of proposed respondent No. 2 and undertakes to file vakalatnama during the course of the day.
3. Vakalatnama be filed in the Registry during the course of the day.
4. The learned counsel waives notice for respondent No. 2.
5. The learned counsel for the appellant seeks leave to tender the draft amendment so as to implead M/s. Shree Nidhi Concept Realtors Private Limited as party respondent to this appeal.

6. Leave granted.
7. Amendment be carried out in accordance with the draft amendment (Exhibit X) handed in forthwith.
8. The learned counsel for the added respondent submits that in terms of the order dated 9th August, 2023 the affidavit to be filed on behalf of the added respondent is ready and seeks leave to tender the affidavit.
9. Leave granted.
10. Affidavit is taken on record.
11. The learned counsel for the appellant submits that the appellant and newly impleaded respondent No. 2 have arrived at an amicable settlement of the dispute and consent terms have been executed. The learned counsel submits that pursuant to the consent terms arrived at between the appellant and respondent No. 2, the appellant/plaintiff undertakes to withdraw the L.C.Suit No. 238 of 2020 in which the order impugned in this appeal has been passed.
12. In view of the aforesaid statement, the consent terms are taken on record and marked XX.
13. Mrs. Deboshri Gaine, the appellant and Mr. Sachin Kaswe, the Director of proposed respondent No. 2, are present. They admit the contents of the consent terms and execution thereof. They are identified by their respective advocates. It appears that the consent

terms are signed voluntarily and there is no coercion or duress.

14. The appeal thus stands disposed in accordance with the consent terms (XX).

15. The undertaking in consent terms, including the undertaking to withdraw L.C. Suit No. 238 of 2020, are accepted as undertakings to the Court.

16. The interim order stands vacated.

17. In view of the disposal of the appeal, the interim application(s) stand(s) disposed.

(N. J. JAMADAR, J.)