

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.96 OF 2012**

Vini Tushar Mahale nee Vini Vilas Desai ... Plaintiff
versus
Srushti Sangam Enterprises Pvt. Ltd. & Anr. ... Defendants
WITH
NOTICE OF MOTION NO.273 OF 2014
WITH
INTERIM APPLICATION (L) NO.1888 OF 2023
IN
SUIT NO.96 OF 2012

Mr. Yogesh Dandekar with Ms. Vidya Chelekar for Plaintiff.
Mr. Farzeen Khambatta for Defendant No.1.
Mr. Rohan Deshpande i/by Alisha Pinto Defendant No.2.

CORAM: N.J.JAMADAR, J.

DATE: 19 JANUARY 2023

P.C.

1. Interim Application (L) No.1888 of 2023 is not on board. Upon mentioning, taken on board.
2. This Application is filed seeking condonation of delay in bringing legal representative of deceased Plaintiff No.1. Plaintiff No.2 Vini Tushar Mahale nee Vini Vilas Desai is stated to be the sole representative of the deceased Plaintiff No.1. Since the estate of the deceased Plaintiff No.1 has been represented by Plaintiff No.2, there is no question of abatement. Hence, the Application stands allowed in terms of prayer clauses (a) and (b).

3. Necessary amendment be carried out in the Plaint forthwith.

4. Re-verification is dispensed with.

SUIT NO.96 OF 2012

5. Heard the learned Counsel for the parties.

6. The learned Counsel submit that the parties have amicably resolved the dispute and Consent Minutes of Order have been executed. The learned Counsel tendered Consent Minutes of Order. Ms. Vini Tushar Mahale nee Vini Vilas Desai, Plaintiff No.2, and Mr. Neeraj H. Dubey, authorised representative of Defendant Nos.1 and 2 are present. They admit the execution of the Consent Minutes of Order and contents thereof. Upon being enquired, Mr Neeraj specifically submitted that the Defendants submit to the Consent Minutes of Order and agree to abide by the same.

7. It seems that the parties have worked out a comprehensive settlement, the Consent Minutes of Order have been executed voluntarily and there is no coercion or duress.

8. Hence, the Consent Minutes of Order are taken on record and marked 'X'.

9. The Suit stands decreed in accordance with the Consent Minutes of Order 'X'.

10. The Plaintiff is entitled to refund of Court Fees, if any, in accordance with rules.

11. In view of the disposal of the Suit, Notice of Motion also stands disposed.
12. Original documents be returned to the parties upon production of the true copies thereof, as per rules.

(N.J.JAMADAR, J.)