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

COMMERCIAL SUIT NO.838 OF 2018
WITH
NOTICE OF MOTION NO.2300 OF 2018

Abhyudaya Co-Op. Bank Ltd. ...Plaintiff

Versus

Siroya Developers Pvt. Ltd. ...Defendant

Mr. Madhur Rai, i/b PRS Legal for the Plaintiff.

Mr. Vikas Pandey for the Defendant.

CORAM : R.I. CHAGLA J.
DATE : 5 APRIL 2023.

ORDER :

1. The parties have arrived at settlement in the above Commercial Suit. The Consent Terms dated 3rd April, 2023 has been tendered and taken on record and marked 'X' for identification. The Consent Terms are signed by the Plaintiff through their authorised officer as well as by the Defendant through their Director / Authorised Representative and their respective Advocates. The resolution passed in the board meeting of the Plaintiff held on 16th February, 2023 authorising the signatory to execute the Consent

Terms is appended to the Consent Terms. Further, the resolution passed in the board meeting held on 21st March, 2023 of the Defendant Company authorising the signatory of the Consent Terms to execute the Consent Terms is also appended to the Consent Terms. The signatories to the Consent Terms are present in Court.

2. I am satisfied that the Consent Terms are in order, not contrary to law and have been drawn up by the parties of their own volition in reflection of their true intentions.

3. The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.

4. The Suit is disposed of and decreed in accordance with the Consent Terms.

5. The Interim Applications, if any, do not survive and are disposed of accordingly.

6. The Court Receiver appointed by this Court in terms of order dated 3rd May, 2018 in respect of the Suit property stands discharged without passing of accounts and upon payment of costs, charges and expenses borne by the Plaintiff.

7. Drawn up decree/ order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.

8. A soft copy of the Consent Terms will be uploaded as the second order in the matter.

9. 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.

10. 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.]