

Sayali Upasani

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

INTERIM APPLICATION NO-2738 OF 2022

IN

SUIT NO-143 OF 2022

Virindra Gurdial Maloni ...Plaintiff

Vs.

Rita Shyam Sumaya and Ors ...Defendants

Mr.Rohan Savant i/b Sanjay Gawde, for Plaintiff.

Mr. Rupesh Lanjekar, for Defendant No. 2.

Mr. Rafeeq Peer Mohidden i/b Sapna Rachure, for Defendant No. 1.

CORAM:- N. J. JAMADAR, J.

DATED:- 9th FEBRUARY, 2023

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) The learned Counsel for the plaintiff seeks leave to amend the
plaint in accordance with the draft amendment handed in.

Leave granted.

- 3) Necessary amendment in accordance with the draft amendment
“X” be carried out forthwith.
- 4) Re-verification dispensed with.

- 5) The learned Counsel submit that the plaintiff and defendant Nos. 1 and 2 have amicably resolved the dispute and consent terms have been executed.
- 6) The learned Counsel seek leave to tender the consent terms.
- 7) The plaintiff and defendant No. 1 are present in Court. They admit the contents of the consent terms and execution thereof. They are identified by their respective Advocates.
- 8) In paragraph No. 4 of the consent terms it is recorded that the defendant No. 2 had already executed Release Deed on 24th June, 2022, in favour of the plaintiff thereby releasing all his right, title and interest in the Suit Flat. Copy of the Release Deed is annexed to the consent terms as Exhibit A.
- 9) Mr. Rupesh Lanjekar, the learned Counsel for the defendant No. 2 submits that he has instructions to state that the defendant No. 2 has executed the Release Deed in favour of plaintiff and does not claim any right, title and interest in the Suit Flat.
- 10) It appears that the plaintiff and defendant No. 1 have voluntarily resolved the dispute and executed the consent terms. There does not seem to be any coercion or duress.
- 11) Hence, the consent terms are taken on record and marked "XX".
- 12) The suit stand decreed in accordance with the consent terms (XX).
- 13) Consent terms (XX) shall form part and parcel of the decree.

- 14) The undertakings given in the consent terms are accepted as undertakings to the Court.
- 15) The plaintiff is entitled to refund of the Court fees in accordance with the Rules.
- 16) There shall be no order as to costs.
- 17) In view of the disposal of the suit all Interim Application(s) also stand(s) disposed.
- 18) List the Suit only for reporting compliance on 24th April, 2023, at 2.30 pm.

[N. J. JAMADAR, J.]