

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.2897 OF 2006**

Sangeeta Constructions ... Plaintiff
versus
Chand Co-op. Hsg. Soc. Ltd. and Ors. ... Defendants

**WITH
INTERIM APPLICATION (L) NO.1843 OF 2022
IN
SUIT NO.2897 OF 2006**

Gargi Rao and Ors. ... Applicants
and
Sangeeta Constructions ... Plaintiff
versus
Chand Co-op. Hsg. Soc. Ltd. and Ors. ... Defendants

Mr. Chetan Kapadia with Mr. Yadunath Chaudhari, Mr. Amrut Joshi, Ms. Bhakti Bhanushali i/by Sonal Doshi and Co., for Plaintiffs.

Mr. Sarosh Bharucha with Mr. Shrey Faterpekar, Mr. Ameet Mehta, Mr. Nirav Marjadi, Ms. Shrushti Mehta, Ms. Nikita Deora i/by Solicis Lex for Applicants in IAL 1843 of 2022.

Mr. Aditya Thakkar with Mr. Deepak Shukla i/by Vinod Mistry and Co. for Defendant No.1.

Mr. Karl Tamboly with Mr. Shrey Faterpekar, Mr. Ameet Mehta, Mr. Nirav Marjadi, Ms. Shrushti Mehta, Ms. Nikita Deora i/by Solicis Lex for Defendant Nos.2 to 6.

Mr. Vikramjit Grewal with Mr. Simran Kasat, Ms. Jitarth P;atel i/by Bathija Legal for Defendant No.8.

Mr. Chaitanya Vora, Authorized Partner of Plaintiff.

Mr. M.L.Motwani Chairman, Mr. Ajay Kochhar, Secretary and Mrs. Manjeet Kahai, Treasurer of Defendant No.1 society present.

Mr. Mashkoor Ahmad, Director of Defendant No.8 present.

CORAM : N.J.JAMADAR, J.

DATE : 8 FEBRUARY 2023

P.C.

1. Heard the learned Counsel for the parties.
2. Mr. Chaitanya Vora, Authorized Partner of the Plaintiff, Mr. M.L.Motwani, Chairman, Mr. Ajay Kochhar, Secretary and Mrs. Manjeet Kahai, Treasurer of Defendant No.1 Society, and Mr. Mashkoor Ahmead, Director and Authorized Signatory of Defendant No.8 are present in Court.
3. They admit the contents of the Consent Terms and execution thereof. They are identified by their respective Advocates. The executants submit that they have executed Consent Terms voluntarily.
4. It seems that the Plaintiff, Defendant No.1 and Defendant No.8 have worked out a comprehensive settlement of the dispute. Consent Terms are executed out of their volition and there is no coercion or duress.
5. Hence, the Consent Terms are taken on record and marked 'X'
6. The Plaintiff seeks to withdraw Suit against Defendant Nos.2 to 7.
7. Defendant Nos.2 to 6 are opposing the Consent Terms executed between the Plaintiff, Defendant No.1 and Defendant No.8. The Applicants in IAL 1843 of 2022 also profess to oppose the execution of the Consent Terms.
8. An Affidavit in Reply is filed on behalf of Defendant No.1 Society asserting that an unanimous resolution was passed by the Special General Body Meeting held on 18 January 2023.
9. Defendant Nos.2 to 6 and the Applicants in IAL 1843 of 2022 dispute

the aforesaid position. There is also an issue as to whether some of the Applicants in IAL 1843 of 2022 participated in the meeting and were party to the unanimous decision.

10. All these questions cannot be legitimately inquired into in this suit. Hence, the Consent Terms are accepted, keeping open the rights of Defendant Nos.2 to 6 and the Applicants in IAL 1843 of 2022 to agitate the legality of the decision in a appropriate proceedings before an appropriate forum.

11. The Suit, thus, stands decreed in accordance with the Consent Terms.

12. Consent Terms 'X' shall form part and parcel of the decree.

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

14. There shall be no order as to costs.

15. All pending applications, including IAL 1843 of 2022, stand disposed.

(N.J.JAMADAR, J.)