

Sharayu Khot.

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

COMMERCIAL SUIT NO. 190 OF 2016

M/s. Vighnaharta Builders and Projects
Pvt. Ltd.

...Plaintiff

Versus

Municipal Corporation of Greater Mumbai
& Ors.

...Defendants

Mr. Mayur Khandeparkar, Mr. Aditya Miskita, Mr. Kuldeep Singh i/by
Mr. Santosh Raje for the Plaintiff.

Mr. Arif Bookwala, Ms. Mahek Bookwala i/by Diwakar Singh, Ms.
Nikita Bhojane, Ms. Kajal Singh for the Applicant.

Mr. A.Y. Sakhare, Senior Advocate with Ms. K.H. Mastakar for the
Defendant-MCGM.

Mr. Vijay Mankar, Asst. Engineer (Improvement)-I from Estate
Department of MCGM is present in Court.

Mr. S.B. Pawar i/by S.K. Legal Associates LLP for Defendant No. 2.

CORAM : R.I. CHAGLA J

DATE : 6 January 2023

ORDER :

1. The matter has been settled between the parties. Consent
Minutes of Order dated 21st November 2022 are tendered, taken on
record and marked 'X' for identification with today's date.

2. The Consent Minutes of Order has been signed by the Director of the Plaintiff and the Defendants and their respective Advocates. Signatories to the present Consent Minutes of Order are present in Court.

3. By the order dated 21st December 2022, this Court had recorded that if there is a dispute between the Directors of the Plaintiff Company, then that needs to be first resolved before the Consent Minutes of Order are taken on record.

4. Mr. Khandeparkar, learned Counsel appearing for the two Directors of the Plaintiff-Society namely, Mr. Santosh Pandurang Mane, Chairman/Director and Mr. Arun Dattaram Dalvi, Director, who are present in Court, on their instructions stated that the Directors have no objection for the Consent Minutes of Order to be taken on record and order passed accordingly. This is in view of the assurances given by Mr. Ramesh Pawar and Mr. Ganpat Bhursingh Purohit, Directors of the Kalindi Developers Private Limited.

5. Appended to the Consent Minutes of Order are the Resolution passed by the Board of Directors of the Plaintiff-Company

authorising the signatories to the Consent Minutes of Order to execute the Consent Minutes of Order in the above Commercial Suit. Further, the Resolution passed by the BMC on 23rd September 2022, which grants approval for filing the Consent Minutes of Order in the Court is also appended to the Consent Minutes of Order. There is also appended the Resolution passed by the Defendant No. 2-Society which also authorises the signatories to the Consent Minutes of Order to execute the Consent Minutes of Order.

6. This order is passed in terms of the Consent Minutes of Order marked X.

7. The Plaintiffs are granted leave to withdraw the Commercial Suit No. 190 of 2016 in accordance with the Consent Minutes of Order which forms part of this order.

8. Commercial Suit No. 190 of 2016 is disposed of as withdrawn.

9. All pending interlocutory Applications, if any, in the present Commercial Suit, do not survive, in view of withdrawal of the

Suit and accordingly, disposed of.

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.]