

Sharayu Khot.

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

SUIT NO. 3459 OF 1996

Rajesh Sharma & Anr.

...Plaintiffs

Versus

Allan Oswal Mendonca & Ors.

...Defendants

AND

COURT RECEIVER EXECUTION NO. 3459 OF 1996

Ms. Tejashree Parab i/by T.N. Tripathi & Co. for the Plaintiffs.

Mr. Ajay Fernandes a/w Ms. Shaheen Moghul, Mr. Nilesh Menon & Ms. Anhita Ved i/by Divya Shah Associates for the Defendant Nos. 1(a) to 9.

Court Receiver present.

CORAM : R.I. CHAGLA J

DATE : 4 May 2023

ORDER :

1. The Plaintiffs and the Defendant Nos. 1(a) and 9 have settled their disputes. Consent Terms are tendered bearing today's date. The Consent Terms are taken on record and marked 'X' for identification. The Consent Terms have been signed by the Plaintiff Nos. 1 and 2 and their Advocates as well as Defendant Nos. 1 (a) to 9 and their Advocates. 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 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. This order is passed in accordance with the Consent Terms.

5. Court Receiver appointed by this Court pursuant to the order dated 5th September 2007 stands discharged without drawing up accounts and upon payment of costs, charges and expenses due and payable to the Court Receiver being borne equally by the Plaintiff and the Defendant Nos. 1(a) and 9.

6. The Court Receiver shall handover possession of the said property on behalf of the Defendant Nos. 1(a) and 9 to the Plaintiffs on the Court Receiver being discharged by this Court.

7. The Suit is disposed of against all the Defendants, as

withdrawn.

8. Interim Applications, if any, do not survive and disposed of accordingly.

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

10. 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.

11. 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.]