



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

SUIT NO.446 OF 2019

Manmandir Properties ... Plaintiff
vs.
Sailee Developers & Ors. ... Defendants

WITH
NOTICE OF MOTION NO.902 OF 2019
IN
SUIT NO.446 OF 2019

Manmandir Properties ... Plaintiff
vs.
Sai Lee Developers & Ors. ... Defendants

Mr.Vipul Shah a/w Ms. Ankita Katakdhond i/b. L. C. Tolat & Co. for
the Plaintiff.

Mr. Sachin Mhatre for the defendant nos.1 and 2.

Mr. Kamal Sheth, partner of plaintiff is present.

Mr. Manish Sawant, partner of defendant no.1 is present.

CORAM : S. M. MODAK, J.

DATED : 30 OCTOBER 2023

P. C. :

1. Heard the learned counsel for the plaintiff and learned counsel
for defendant nos. 1 and 2.

2. The Suit is for specific performance by the Developer. Pending the Suit, the plaintiff has entered into the Consent Terms with Defendant No.1 – partnership Firm of which defendant nos.2, 3, 4 were partners. Defendant nos.3 & 4 have retired. The parties have tendered the Consent Terms in the Court today, the same are taken on record and marked 'x' for identification.

3. On behalf of the plaintiff, one of the partner has signed whereas on behalf of defendant no.1- Sai Lee Developers, defendant no.2 – Mangesh T. Sawant has signed for himself and as a partner of defendant no.1. A copy of resolution passed by the Firm – Sai Lee Developers – Defendant No.1 is annexed at page no.136 to the Consent Terms.

4. Not only the present dispute, but they have also settled other disputes also. Each of them agreed that they will withdraw the proceedings filed against each of them. All signatories has agreed to abide by the Terms.

5. Suit is disposed of in the terms of the Consent Terms. The terms in the Consent Terms are accepted as undertaking given to this Court. Refund of Court fees, as per Rules. Interim Application / Notice of Motion, if any, shall stands disposed of.

6. My attention is invited to paragraph No. 6 of the Consent Terms. It provides for appointment of the Court Receiver in case there is failure to comply with the terms mentioned in the Consent Terms by either of the party, in that eventuality, the Court Receiver may act upon the authenticated copy of this order.

[S. M. MODAK, J.]