

Sayali Upasani

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

SUIT NO-2765 OF 2009
WITH
INTERIM APPLICATION (L) NO- 38026 OF 2022
WITH
CHAMBER SUMMONS NO-188 OF 2018
IN
SUIT NO-2765 OF 2009

Rajesh Vijendra Sharma ...Plaintiff
Vs.
Surendra Sharma and Ors ...Defendants

Mr. Shivam J. Singh i/b D.D. Singh, for Plaintiff.

Adv. Jigar Shah i/b M/s. Markand Gandhi and Co., for Defendant No. 3(a) and 3(b).

Mr. Dharam Sharma i/b Dharam and Co., for Defendant Nos. 1, 2, 4 and 6.

Mr. Anosh Sequeira a/w Ms. Prachi Badane i/b M/s Pravin Mehta and Mithi and Co., for Defendant No. 5.

Mr. Parag Mehta, Partner of Defendant No. 5 – Present.

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 for the plaintiff and defendants submit that the parties have amicably resolved the dispute and consent terms have been executed.

6) The learned Counsel for the parties seek leave to tender the consent terms.

7) The plaintiff, defendant Nos. 1, 2, 3(a), 3(b), 6 and Mr. Parag Mehta, partner of defendant No. 5 of M/s. K. Mehta and Co., are present before the Court. The plaintiff and defendants admit the contents of the consent terms and execution thereof. They are identified by their respective Advocates.

8) Upon being inquired, the parties submit that they have arrived at the settlement voluntarily and they will abide by the terms of the settlement.

9) The consent terms are thus taken on record and marked “XX”.

10) It appears that the parties have arrived at a comprehensive settlement of the dispute. The consent terms are executed voluntarily and there is no coercion or duress.

- 11) Hence, the Suit stands decreed in accordance with the consent terms (XX).
- 12) Consent terms (XX) shall form part and parcel of the decree.
- 13) The undertakings given in the consent terms (XX) are accepted as undertakings to the Court.
- 14) The plaintiff is entitled to refund of the Court fees in accordance with the Rules.
- 15) There shall be no order as to costs.
- 16) Interim Application(s) stand(s) vacated.
- 17) In view of the disposal of the suit pending application(s) stand(s) disposed.

[N. J. JAMADAR, J.]