

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.3816 OF 2023
IN
SUIT NO.117 OF 2023

Alkesh Rasiklal Bhatt & Ors.	]	..	Plaintiffs
vs.			
Manoj Mohanlal Goradia	]	..	Defendant

Mr.Farid Karachiwala a/w Taher Habshee i/b J. Sagar Associates for Plaintiffs.

Mr.Aspi Chinoy, Senior Advocate a/w Rashmin Khanadekar, Anand, S.B. Pawar, Swati Sawant i/b S.K. Legla Aso. LLP for Defendant.

Mr.Alkesh Bhatt, Plaintiff No.1 present in person.

Mr.Jaykesh Bhatt, Plaintiff No.2 present in person.

Mr.Ajay Bhatt, Plaintiff No.3 present in person.

Mr.Varun Pandya, Plaintiff No.5 present in person.

Mr.Manoj Goradia, Defendant present in person.

CORAM : BHARATI DANGRE, J

DATE : 30th January, 2024.

P.C.

1] In the pending Suit, the Plaintiffs and Defendant, have drawn Consent Terms dated 30.01.2024, under the signature of Plaintiff Nos.1 to 5, except Plaintiff No.4, and their Advocates and the Defendant and his Advocate.

The same are taken on record and marked as 'X' for identification.

2] The Consent Terms has recorded the arrangement worked out between the parties in respect of the subject property, wherein at the outset the Defendant has agreed and confirmed that the Plaintiffs are in absolute and exclusive possession of the bungalow known as 'Laxmi Niwas, II' and has agreed not to make any claim or disturb the possession of the Plaintiffs in respect of the bungalow structure.

3] The Consent Terms, in its various clauses has recorded the understanding arrived between the parties and it is agreed that upon execution of the Consent Terms, the Defendant shall make payment of Rs.6,00,000/- to the Plaintiffs in lieu of the obligations which were already recorded in Consent Terms dated 28.10.1999.

4] Para 19 of the Consent Terms clearly stipulate that upon fulfillment of all the obligations set out therein, the Plaintiffs and Defendant shall withdraw the proceedings filed by them respectively against each other and it is understood to include the present Suit.

5] The Consent Terms are not signed by the Plaintiff No.4 and in

Para 20 it is recorded that she is presently in USA and her signatures shall be obtained within 30 days from the presentation of the Consent Terms.

Since Plaintiff No. 4 is represented by her Advocate, I deem it appropriate to grant such relaxation, as prayed for.

6] In the wake of Consent Terms, Interim Application stands disposed off.

It is made clear that the undertakings stipulated in the Consent Terms are accepted as Undertakings to the Court.

[BHARATI DANGRE, J]