

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUTT NO. 585 OF 2023

Ashif Mohammed Ali Jina Barday

...Plaintiff

Vs.

Rukshana Mohsinali Hamirani & Ors.

...Defendants

WITH
INTERIM APPLICATION NO. 3416 OF 2024
WITH
INTERIM APPLICATION NO. 3400 OF 2024

Adv. Sunil Gagan a/w Shubham D. i/by RMG Law Associates for the Plaintiff.

Adv. Bernardo Reis a/w Pratik Dixit i/by Prajot Jaggi for the Defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 7TH JANUARY, 2025

P.C.-

1. Circulation was granted today since the Court was informed that the mediation between the parties had proved successful. The Learned Mediator has submitted a Mediation Report dated 23rd December, 2024 which records that all disputes between the parties have been settled through mediation and the enclosed consent terms dated 20th December, 2024 have been duly executed by the parties and their respective Advocates in the presence of the Mediator. The consent terms are thus taken on record and marked 'X' with today's date.

2. The Suit is disposed of in terms of the consent terms.
3. At this stage, Learned Counsel for the parties also undertakes as follows:-
 - i. Defendant No.1 shall unconditionally withdraw Suit No.277 of 2023 and Suit No.315 of 2023 within a period of four weeks from today.
 - ii. The Plaintiff shall withdraw Criminal Complaint SW/1200089/2022 within a period of four weeks from today.
 - iii. Interim Application No.3416 of 2024 and Interim Application No.3400 of 2024 in the present Suit shall stand disposed of in terms of the consent terms.
 - iv. The consent terms will prevail upon the Will in case of any inconsistency thereof.
 - v. Professional fees of Advocate Mr. Ankit Lohiya to be paid from the estate account.
 - vi. Plaintiff shall be entitled to refund of court fees, if any, as per Rules.

4. The undertakings given in the consent terms are accepted as undertakings given to this Court.

5. Refund of the Court fees, if any, 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 to issue a certificate for a refund of Court Fees computed according to the Rules.

6. In view of the above order, all interlocutory Applications, if any, also stand disposed of.

(ARIF S. DOCTOR, J.)