

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.168 OF 1992

Tukaram Sakharam Hinukale and another .. Petitioners

Versus

Ramu Bala Hinukale

(Since deceased by his legal heirs)

Smt. Sonabai Ramu Hinukale and others .. Respondents

WITH

SECOND APPEAL NO.963 OF 2006

WITH

CIVIL APPLICATION NO.1589 OF 2006

Sakharam Bhau Hinukale and others .. Appellants

Versus

Ramu Bala Hinukale

(Since deceased by his legal heirs)

Smt. Sonabai Ramu Hinukale and others .. Respondents

Shri. N. V. Bandiwadekar, for the Petitioners/Appellants.

Shri. S. G. Deshmukh, for the Respondent Nos.1 to 4.

Shri. S. D. Rayrikar, AGP for the Respondent Nos.5 to 8.

CORAM : R.M. SAVANT, J.

DATE : 5th MAY, 2015

PC.

1. The above proceedings were adjourned for today to facilitate

Respondent No.2(b) who was not present on 27.04.2015 to be present in Court. By the said order dated 27.04.2015, the Consent Terms filed by the parties were taken on record and marked as 'X' for identification. However, the disposal of the above proceedings in terms of the Consent Terms was deferred only on the ground that the Respondent No.2(b) could not personally remain present in Court on 27.04.2015. Today the Learned Counsel for the Respondent Nos.1, 2(a) to 2(f), 4, 3(a) & 3(b) Shri. S. G. Deshmukh states that the Respondent No.2(b) has executed a Power of Attorney in favour of the Respondent No.3(b) in whose favour the other Respondents being Respondent Nos.2(a)(i), 2(a)(ii), 2(a)(iii), 2(d), 2(e), 2(f), 3 and 4 have executed a Power of Attorney. The Learned Counsel states that the Respondent No.2(b) has executed a Power of Attorney as remaining present in Court would entail him losing wages for the day. In terms of the said Power of Attorney executed by Respondent No.2(b) in his favour, the Respondent No.3(a) endorses the Consent Terms on behalf of the Respondent No.2(b) and states that the Respondent No.2(b) has signed the Consent Terms of his own free will and volition and that they are acceptable to him. The Power of Attorney executed by the Respondent No.2(b) in favour of the Respondent No.3(a) is taken on record and marked as 'X-1' for identification. In view of the fact that the Respondent No.2(b) has also now endorsed the Consent Terms in continuation of the

order dated 27.04.2015, the above Writ Petition to stand disposed in terms of the said Consent Terms.

2. In so far as the Second Appeal is concerned, the Appellants have filed a pursis dated 24.04.2015 signed by all the appellants that in view of the Consent Terms filed in above Petition, they are not desirous in pressing the Second Appeal. In terms of the said pursis, the Second Appeal is disposed of as not pressed. In view of the disposal of the Second Appeal, the Civil Application does not survive and to accordingly disposed of as such. The said pursis is taken on record and marked as 'W' for identification.

[R.M. SAVANT, J]