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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 522 OF 2011

Shri Arjun Padoba Phalne .. Appellant

Vs.

Anand Laxman Sakpal .. Respondent

Mr.V.S.Talkute, Advocate for the Appellant.

Mr.Samarth Morey, Advocate for the Respondent.

CORAM : R. G. KETKAR, J.

DATE : 06th MAY, 2015

P.C. :

. Not on board. At the request of Mr.V.S.Talkute, taken up in the Production Board.

2. Heard Mr.V.S.Talkute, learned Counsel for the appellant and Mr.Samarth Morey, learned Counsel for the respondent.

3. Mr.Talkute submitted that appellant has instituted suit being Regular Civil Suit No. 170 of 1999 for perpetual injunction. The appellant claims to be in possession on the basis that he is tenant in the suit property. The original respondents No. 1 to 6 had instituted Regular Civil Suit No. 182 of 2003 for possession of the suit property and damages on the ground that appellant has no right, title and interest in the suit property and that he is a trespasser. He submitted that the learned trial Judge decreed the suit instituted by original respondents No. 1 to 6 and directed the appellant to hand

over the possession. The suit instituted by the appellant for injunction was partly allowed to the effect that respondents No. 1 to 6-plaintiffs were directed to take possession by following due process of law. Mr.Talkute submitted that during the pendency of the Second Appeal, respondents herein had purchased the suit property. He has accepted the tenancy rights of the appellant.

4. Learned Counsel appearing for the parties have tendered the Consent Terms duly signed by the appellant and newly added respondent – Anand Laxman Sakpal dated 06/05/2015 enclosing therewith agreement of sale dated 22/06/2014.

5. Mr.Talkute submitted that Second Appeal was admitted on 03/08/2012 as it raises substantial question of law. Learned Counsel appearing of the parties submit that appeal may be disposed of in terms of the consent terms. Consent Terms along with agreement of sale & power of attorney are taken on record and marked 'X' collectively for identification. Mr.Talkute submits that on behalf of the appellant his son as also power of attorney holder—Ashok Arjun Phalne is present in the Court. Mr.More submits newly added respondent- Anand Laxman Sakpal is present in the Court. They have tendered photocopies of their identity cards which are taken on record and marked 'Y' collectively for identification. They admit and confirm the correctness of the consent terms.

6. After perusing the consent terms, I am satisfied that the controversy between the parties is amicably and lawfully settled in terms of the consent terms. Second Appeal is disposed of in terms of consent terms. Decrees passed by the Courts below shall stand substituted in terms of consent terms and decree shall be drawn accordingly. Undertaking given by the respondent in clause (C) is accepted.

(R. G. KETKAR, J.)