

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

**SECOND APPEAL NO.729 OF 2014
WITH
CIVIL APPLICATION NO.1703 OF 2014
WITH
CIVIL APPLICATION NO.629 OF 2015**

Smt. Anjali Ashok Shah and ors. .. Appellants.
V/s
Rajkumarsing Kausalsing Chavan
and ors. .. Respondents.

Mr. Ashok Tajane, for the Appellants.
Mr. Amey Deshpande i/b J.D. Khairnar, for the Respondent Nos.
1 & 2.
Mr. N.A. Mogre i/b Harshad Manke, for the Respondent Nos. 3 &
4.

**CORAM : RAVI K. DESHPANDE, J.
DATED : 14th JULY, 2015**

P.C.

1. This Second Appeal challenges the concurrent findings of the fact relating to dismissal of the claim for specific performance of Contract in Special Civil Suit No.565 of 1995. The appellant Nos. 1 to 5 are the original plaintiffs, whereas the respondent Nos. 1 and 2 are the original defendant Nos. 1 and 2. The original defendant No.1 died and his legal

representatives have been brought on record as respondent Nos.1(a) and 1(b). The respondent Nos. 3 and 4 are the subsequent purchasers of part of the property from the respondent Nos. 1(a) and 1(b). The respondent No. 5 is the Power of Attorney holder of the respondent nos.1(a) and 1(b). It is submitted the learned counsel for the respondents that in the title cause, the respondent No. 5 is shown as Power of Attorney for the respondent nos. 3 and 4.

2. The learned counsel appearing for the appellants and respondent Nos. 1(a) and 1(b) have filed the Consent Terms marked as 'X' for identification. The learned counsel for the appellants submits that one Smt. Anjali Ashok Shah (Appellant No.1), the Power of Attorney holder of the appellant Nos. 2 to 5 is personally present before this Court and has signed the Consent Terms for herself and as Power of Attorney holder of the appellant Nos. 2 to 5. She has produced the Power of Attorney registered on 17th June, 2015.

The learned counsel for the respondent Nos.1(a), 1(b), 2, 3, 4 and respondent No.5 Mr Vijay Pandurang Malekar, who is power of attorney holder for the respondent Nos.1(a), 1(b) and 2, has signed the Consent Terms for and on behalf of the said respondents. They further submit that one Mr. Amol Jadhav, the Power of Attorney holder of the respondent Nos. 3 and 4 has signed the Consent Terms. The learned counsel submits that persons who have signed the Consent Terms are personally present before this Court.

3. In view of the above, the Second Appeal is disposed off by accepting the Consent Terms marked 'X' for identification, which shall have form as part and parcel of this Order. The Second Appeal stands disposed off.

(RAVI K. DESHPANDE, J.)