

Mr. Rohan S. Sawant i/b. Mr. Ashok G. Toraskar for Appellant.
Mr. Shreekant V. Gavand for Respondent.

P.C. :

2. As the regular Court presided over by Hon'ble Mr. Justice K. K. Tated is not available today, as per the administrative order passed by the Hon'ble the Chief Justice, papers are produced before me.

3. By this Appeal under Section 96 of the Code of Civil Procedure, 1908, original defendant has challenged the judgment and decree dated 30.07.2012 passed by the learned Civil Judge, Senior Division, Panvel in Special Civil Suit No.583 of 2007. By that order, the learned trial Judge decreed the Suit. By order dated 20.12.2012, Appeal was admitted by this Court. Learned Counsel appearing for the parties have tendered the consent terms dated 07.05.2015 duly signed by the parties and their Advocates. Learned Counsel for the parties state that First Appeal may be disposed of in terms of the consent terms. Learned Counsel for the parties state that parties are present in the Court. They admit and confirm the correctness of the consent terms.

4. Learned Counsel for the parties submit that the Suit instituted by the respondent-plaintiff for specific performance of agreement of sale was decreed by the trial Court. By consent terms, respondent-plaintiff has relinquished his right, title and interest to get the specific performance of the said agreement upon appellant refunding amount of Rs.2 lacs to the respondent. Respondent had deposited Rs.12,06,250/- in the trial Court. Respondent is permitted to withdraw the said amount together with accrued interest, if any, from the trial Court. After perusing the consent terms, I am satisfied that the controversy between the parties is amicably settled in terms of the consent terms. Undertaking given by the appellant in paragraph 3 of the consent terms is accepted. Consent terms are taken on record and marked 'X' for identification. Appellant has tendered photocopy of Aadhar Card. Respondent has tendered photocopy of PAN card. The same are taken on record and marked 'Y' collectively.

5. First Appeal is disposed of in terms of the consent terms. Decree passed by the trial Court stands substituted by the consent terms and the decree shall be drawn accordingly.

(R. G. KETKAR, J.)

Minal Parab