

Sequeira

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

SECOND APPEAL NO. 281 OF 2009

Eknath Barku Jagtap & anr. .. Appellants
Versus.
Kamalabai Tanaji Pawar & anr. .. Respondents

Mr.M.M.Sathaye, for Appellants.
Mr.Vaibhav Kulkarni, for Respondent Nos.1 & 2.

**CORAM: N.M. JAMDAR, J.
Wednesday, 30 March 2016.**

PC. :

The learned counsel for the parties state that the parties have resolved their dispute amicably and have executed consent terms. At their request, Consent Terms are taken on record and marked 'X' for identification. For the sake of convenience the Consent terms are reproduced as under :

'The Respondents agree and accept that their mother Pakhubai had agreed to sell subject matter property in favor of Appellants, for legal necessity. Respondents further agree that their mother Pakhubai have received Rs.17,000/- from Appellants as an earnest money and only Rs.4000/- are remaining to be paid to them.

The Respondents now agree and undertake to execute and register a sale deed in favor of Appellant No.2 Smt.Taibai Balu Jadhav within a period of 8 weeks from today, on the Appellants paying to Respondents additional amount of Rs. 50,000/- (in words Rupees Fifty Thousand only) within 8 weeks from today, over and above Rs.17,000/- already received by their mother Pakhubai.

The Respondents further agree and accept that from date of Agreement of sell 15/4/1987, the Appellants are

in actual, factual and cultivating possession of subject matter property Gat No. 147 till today without interruption and the Respondents undertake to confirm said possession of Appellants as owners in the sale deed to be executed and registered as aforesaid.

The Respondents further agree and undertake to co-operate and sign all necessary applications as well as documents before concerned Revenue Authorities, Collector & Tahsil Offices and other Govt. Authorities, necessary for seeking permission, if necessary, and for sale and transfer of subject matter property Gat No.147 in favor of Appellants.

The Respondents hereby give their “No Objection” for transfer of 7/12 extract and other Revenue Record of subject matter property Gat No.147 in favor of Appellants as owners in possession thereof.

By consent of the Respondents, the Appellants’ suit i.e. Reg.Civil Suit No.101 of 1998 in the Civil Court at Kalwan (Dist. Nashik) stands decreed in above terms.

The Respondents agree and undertake not to raise any dispute against Appellants in future in respect of subject matter property Gat No147.

Parties to these Consent Terms agree that these terms will be binding on legal heirs of both the parties'.

2. The Second Appeal is disposed of in the above terms. Regular Civil Suit No.101 of 1998 filed in the Civil Court Kalwan District Nasik, stands decreed in terms of the Consent terms. The undertakings given in the Consent terms are accepted.

(N.M. JAMDAR, J.)