

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

**CIVIL REVISION APPLICATION NO.179 OF 2014
ALONG WITH
CIVIL APPLICATION NO.117 OF 2014**

**Jaynarayan Ramnarayan Sharma
since deceased through his LRs
Smt. Vina Shamnarayan Sharma and ors. : Petitioners.
Versus
Aashapak Ahmed Bashir Ahmad
(since deceased. No Heirs) and others : Respondents.**

**Mr. P N Joshi for the Petitioners/Applicants.
Mr. R S Patil for the Respondent.
Petitioner No.1(b) present.
Respondent No.3 present.**

**CORAM : R. M. SAVANT, J.
DATE : 08th February 2016**

P.C.

1 The learned counsel for the parties i.e. Shri P N Joshi for the Petitioners/Applicants and Shri Rajesh Patil for the Respondents tender Consent Terms bearing today's date i.e. 08/02/2016. The said Consent Terms evidence the settlement arrived at between the parties and are signed by the parties and their advocates.

2 The Petitioner/Applicant No.1(b) Shri Milind Shamkumar Sharma is personally present in Court and when put into witness box and queried stated that the Consent Terms have been explained to him and that they are

acceptable to him and other Applicants who are the heirs of Jaynarayan R Sharma. He further states that he has signed the said Consent Terms on behalf of the Petitioners of his own free will and volition.

3 The Respondent No.3 Faruq Ahmed Bashir Ahmad is also personally present in Court and when put into witness box and queried stated that the Consent Terms have been explained to him and that they are acceptable to him and his brother Respondent No.2. He further states that he has signed the said Consent Terms on behalf of the Respondent Nos.2 and 3 of his own free will and volition.

4 In terms of clause (4) of the Consent Terms the Petitioners/Applicants have tendered undertaking dated 06/02/2016 signed by them whereby they have undertaken to hand over peaceful possession of the suit premises on receipt of the amount of Rs.5,50,000/-.

5 The Consent Terms are taken on record and marked as "X" for identification. The undertaking is taken on record and marked as "Y" for identification. The learned counsel for the Respondents Shri Rajesh Patil states that the amount of Rs.5,50,000/- has been handed over to Petitioner/Applicant No.1(b) Milind Shamkumar Sharma and that he has executed a receipt bearing today's date of having received the said amount.

6 The above Civil Revision Application is disposed of in terms of the Consent Terms. In view of the disposal of the above Civil Revision Application, the Civil Application No.117 of 2014 for leading additional evidence does not survive and the same to accordingly stand disposed of as such.

[R.M.SAVANT, J]