

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
APPEAL FROM ORDER NO.161 OF 015 with
CIVIL APPLICATION NO.205 OF 2015
in
L.C.SUIT NO.267 OF 2015

Parasnath Baijnath Yadav .. Appellant
vs
The Municipal Corpn of Gr.Mumbai .. Respondent

Mr.Inderprakash Tripathi a/w Ms.Bhagyashri Gawas for Appellant
Mr.Mohit Jadhav for Respondent no.2
Mr.A.V.Awate for Respondent no.1 BMC

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CORAM: G.S.KULKARNI, J
DATE: 4TH MAY, 2016

COMMON ORDER

P.C.

1. Learned counsel for the appellant and respondent no.2 have tendered consent terms setting out various terms and conditions as agreed between the parties which would resolve the dispute between the parties in L.C.Suit No.267 of 2015. The Municipal Corporation is respondent no.1 and is not a party to this consent terms. Appeal against the Municipal Corporation is therefore rejected.

2. Learned counsel for the appellant states that the applicant Mr.Parasnath Baijnath Yadav is present in the Court and is identified by

him. Learned counsel for respondent no.2 submits that respondent no.2 which is a partnership firm has only two partners Mr.Manikkant Rao and Mr.Nilesh Bhandari and both partners are present in Court who have signed the consent terms and are identified by their Advocates. Consent terms are taken on record and marked 'X' for identification. Undertakings of the parties as contained in the consent terms are accepted.

3. In pursuance of earlier order, the Registrar of City Civil Court had forwarded to this Court, record and proceedings pertaining to L.C.suit nos.274 of 2015, 271 of 2015, 273 of 2015, 272 of 2015. As the parties have settled the matter and the appellant no more rely on the proceedings of L.C.suit Nos. 274 of 2015, 271 of 2015, 273 of 2015, 272 of 2015 and the orders passed therein as also the learned counsel for the appellants submits that the facts of those cases are found to be different from the facts of the present matter, it may not be necessary to retain the records of these L.C.suits and they may be immediately returned by the Office, to the Registrar, City Civil Court, Bombay.

4. Learned counsel for the respondent no.2 however in all

fairness states that his client is willing to settle the disputes in three L.C.suits. L.C.Suit Nos.272 of 2015, 273 of 2015 and 274 of 2015 and in one of the suit namely Suit No.271 of 2015 the respondent no.2 has already taken steps to settle the dispute with the plaintiff in the said Suit.

5. Appeal from order is accordingly disposed of in terms of consent terms. No order as to costs.

6. Civil Application No.205 of 2015 would also not survive and the same is accordingly disposed of. Parties confirm to have executed these consent terms.

G.S.KULKARNI, J

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