

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

CIVIL REVISION APPLICATION NO. 539 OF 2012

Mr. Mahesh Vrajlal Babaria

..Applicant

Vs

M/s. Trinity Town Development
and Finance Pvt Ltd and Ors.

.. Respondents

Mr. Suhas Oak i/b Mr. Sagar Joshi, Advocate for Applicant.

Mr.G.S.Godbole, Senior Advocate a/w Mr Avinash B Avhad,
Advocate for Respondents no. 1, 8 and 9.

Mr. B.G.Tanghsali, Advocate for respondents no.2 to 7.

CORAM : R.G.KETKAR,J.

DATE : 22/12/2016

PC:

1. Heard Mr. Suhas Oak, learned counsel for the applicant, Mr. G.S.Godbole, learned senior counsel for respondents no.1, 8 and 9 and Mr. B.G.Tanghsali, learned counsel for respondents no.2 to 7.

2. It was also brought to my notice that the matter was heard on 19.12.2016 when Advocate Pradip Dubey i/b Hemand Gokhale made oral application for intervening in the matter. Learned counsel appearing for the parties state that no such application for intervention was made in the trial Court. Even no written application is made in the present C.R.A. Intervention was sought to be made on behalf of Ex-Director of respondent no.1. Today none appears on behalf of intervenor. No written

application is made for intervention. In the trial Court no application was made for intervention.

3. Learned counsel for the parties have tendered Consent Terms signed by the parties and their Advocates. Mr. Oak states that the applicant is present in the Court. He states that photocopy of pan card of the applicant is annexed along with Consent Terms. Mr. Oak states that Mr. Sharad Kirit Babaria is power of attorney holder of respondents no. 2 to 7. Along with the Consent Terms, photocopy of the pan card of Sharad Babaria is enclosed. Mr. Tanghsali states that Mr. Sharad Babaria is present in the Court.

4. Mr. Godbole states that respondent no. 1 is a private limited company. Respondents no. 8 and 9 are partnership firms. He states that Mr. Sandeep Koyate is partner of respondents no. 8 and 9. Mr. Abhijit Shah is partner of respondent no. 9. Both are present in Court. Along with the Consent Terms, photocopies of Driving Licenses of Sandeep Koyate and Abhijit Shah are enclosed. Learned counsel appearing for the parties state that Civil Revision Application may be disposed of in terms of the Consent Terms after accepting the undertakings, declarations and confirmations given in the Consent Terms.

5. Consent Terms are taken on record and marked "X" for identification. Mr. Oka has tendered affidavit of Sandeep Koyate confirming the power of attorney given by respondent no. 1 in

favour of respondent no.8 and further that the said power of attorney is not revoked. Affidavit of Sandeep Koyate is taken on record and marked "Y" for identification.

6. After perusing the Consent Terms, I am satisfied that the controversy between the parties is lawfully settled in terms of the Consent Terms. Clause 15 of the Consent Terms provides that the order impugned in this application is set aside and decree passed in Spl. Civil Suit No.1688 of 2006 is confirmed and modified according to the Consent Terms.

7. In view thereof, Civil Revision Application is disposed of in terms of the Consent Terms, signed by the parties and their advocates. Undertakings, declarations and confirmations are accepted. Order accordingly.

8. Issuance of certified copy is expedited.

(R.G.KETKAR, J.)