

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL REVISION APPLICATION NO.291 OF 2013  
WITH  
CIVIL REVISION APPLICATION NO.391 OF 2013**

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders. |
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Ms.Shoba Pawar i/b. Sameer R. Bhalekar, Advocate for the applicants in CRA/291/2013 and for the respondents in CRA/391/2013.

Mr.K.D. Shah, Advocate for the applicants in CRA/391/2013 and for the respondents in CRA/291/2013.

CORAM : R. G. KETKAR, J.

DATE : 27/10/2016

**P.C.:**

1. Not on board. At the joint request of learned Counsel appearing for the parties, taken up in the production board.
2. Heard Ms.Pawar, learned counsel for the applicants in C.R.A.291/2013 and for the respondents in C.R.A.391/2013 and Mr.Shah, learned Counsel for the applicants in C.R.A.391/2013 and for the respondents in C.R.A.291/2013.
3. Learned Counsel for the parties have tendered consent terms dated 27.10.2016 duly

signed by the applicants, their Advocates as also by the respondents and their Advocates. Consent terms are taken on record and marked "A" for identification. Ms.Pawar states that Dhirajlal Ratanshi Somaiya, applicant No.2 in C.R.A.No.291/2013 is present in Court and she has tendered photocopy of his Aadhaar card, which is taken on record and marked "B" for identification. Mr.Shah submits that Kanayyalal Madhavji Thakkar, respondent No.2 in C.R.A. No.291/2013 is present in Court and he has tendered photocopy of his Aadhaar card and identity card issued by Election Commission of India, which are taken on record and marked "C" collectively for identification.

4. The parties admit and confirm the correctness of the consent terms. Learned Counsel for the parties jointly request to dispose of Civil Revision Applications in terms of the consent terms.

5. Under the consent terms the plaintiffs have agreed not to claim any mesne profit from the defendants save and except the amount already deposited in the Small Causes Court in pursuance of the orders dated 20.11.2008 and 13.10.2016 passed in C.R.A No.322/2008. The plaintiffs are at liberty to withdraw the amount so deposited by the defendants in the Small

Causes Court as also in this Court.

6. Defendant No.2 has agreed to withdraw C.R.A. No.291/2013. The plaintiffs have agreed to withdraw C.R.A. No.391/2013. Defendant No.2 has tendered undertaking dated 27.10.2016, same is taken on record and marked "D" for identification. Defendant No.2 has undertaken to hand over possession of Shop No.3, ground floor, Parekh Market, Kanji Khatau Wadi, Mahatma Gandhi Road, Ghatkopar (East), Mumbai-400 077 to the plaintiffs on or before 17.11.2016. Undertaking given by defendant No.2 dated 27.10.2016 is accepted.

7. In view thereof, by consent of parties, Civil Revision Applications No.291/2013 and 391/2013 are allowed to be withdrawn and are disposed of as such. Rule is discharged in both the applications. In the circumstances of the case, no order as to costs.

(R. G. KETKAR, J.)