

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

CIVIL REVISION APPLICATION NO. 321 OF 2014

1.Smt. Parvathy Narayanswamy ..Applicants
Seshan (deleted, since deceased)

Vs

1(a) Smt. Chanda Dwarkadas
Bhatia and Ors. .. Respondents

Mr. Manoj M. Kondekar, Advocate for Applicants.
Mr. S.M.Vyas, Advocate for Respondent no.5.

CORAM : R.G.KETKAR,J.
DATE : 26/07/2016

PC:

1. Not on Board. At the joint request of learned counsel for applicants and respondent no.5, taken up for admission.
2. Heard Mr. Manoj Kondekar, learned counsel for the applicants and Mr.S.M.Vyas, learned counsel for respondent no.5.
3. Applicant no.2 and legal representatives of applicant no.3 and respondent no.5 have tendered Consent Terms dated 26.7.2016 signed by them and by Advocates appearing for the applicants and for respondent no.5. The same is taken on record and marked X for identification.
4. Learned counsel appearing for the parties state that applicant no. 2 as also legal representatives of applicant no.3 and respondent no.5 are present in the court. They admit and confirm

the correctness of the consent terms. Learned counsel for the parties have tendered identity cards of applicant no.2, legal representatives of applicant no.3 and respondent no.5. The same are taken on record and marked "Y" Collectively for identification.

5. Learned counsel appearing for the parties state that Civil Revision Application may be disposed of in terms of the Consent Terms.

6. Clauses 1 and 2 of the Consent Terms recite that applicants no.2 and 4 to 7 are not residing in the suit premises. They have not taken part in the trial of the suit. Applicant no.3 was residing in the suit premises along with family members till he acquired alternate accommodation in Sion. Clause 4 thereof recites that the applicants unconditionally withdraw the Civil Revision Application. Clause 4 recites that the applicants declare and confirm that respondents/landlords are in possession of the suit premises by the execution of decree dated 27.1.2014 passed by the Appellate Bench of the Small Causes Court in Appeal No.209 of 2006. The applicants agree and undertake to withdraw Misc. Application No. 305 of 2015 filed for restoration of possession of the suit premises under section 18 of the Maharashtra Rent Control Act, 1999. The respondents agree and undertake to withdraw R.A.E.Suit No.1438 of 2008 filed by them against the applicants for recovery of possession of the suit premises on the

ground of non user of the suit premises and carrying out additions and alterations of permanent nature in the suit premises. Both parties have agreed to withdraw various proceedings filed against each other and that they will not raise any claim against each other in respect of the suit premises, rent, and/or mesne profits. Undertakings given by the parties in terms of clauses 6 and 7 are accepted.

7. Civil Revision Application is disposed of in terms of the Consent Terms. It is made clear that this order will not bind the parties who are not signatories to the Consent Terms. Order accordingly.

(R.G.KETKAR, J.)