

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

WRIT PETITION NO.4190 OF 1995

Pushmal K. Sanklecha
(Since deceased by his LRs.)
Smt. Leelabai Pushmal Sanklecha & Ors. .. Petitioners
Vs.
Smt. Margaret A. Arkalie
since deceased
Denis Adaled Arkalie & Ors. .. Respondents

Mr. V. S. Kapse for Petitioners.
Mr. A. R. Palekar for Respondent No.5.

CORAM : M. S. SONAK, J.
DATE : 06 MAY 2016.

P.C. :-

1] Mr. A. H. Palekar appears for respondent no.5. The Registry is directed to accept the Vakalatnama without insisting upon '*no objection certificate*' from the previous lawyer. The respondent no.5 is over 80 years of age and is today present in Court. This is because, he has represented that previous lawyer has returned the brief and at this short notice, it will not be possible to comply with this requirement.

2] The petitioner no. 3 Santosh Pushmal Sanklecha is present in the Court. So also respondent no. 5 Kanhaiyalal Ramchandra Gupta is also present in the Court.

3] The learned counsel for the parties seek for deletion of respondent nos. 2 to 4 and respondent nos. 6 to 11 as no reliefs are claimed against them. Such deletion is permitted. Necessary amendment to be carried out forthwith.

4] The learned counsel for the parties hand in consent terms, which are taken on record and marked as 'X' for the purposes of identification. It is stated that the petitioner no. 1 has already expired. The consent terms are signed by the petitioner no. 3 for self and as constituted attorney for petitioner no. 2. The respondent no. 5, who is present in the Court has also signed the consent terms. The consent terms have also been signed by the learned counsel for the respective parties. The learned counsel for the respective parties state that they have explained the scope and import of the consent terms to the respective parties. I have also verified from the parties present that they have willingly signed these consent terms after having understood their scope and import. The undertakings recorded in the consent terms are accepted as undertakings given to this Court. This petition is disposed of in terms of the consent terms.

5] In addition to the aforesaid, both the parties, who are present in the Court agree that the expenses with regard to the conveyance or registration of these very consent terms as a conveyance and the stamp duty charges therefor, will be borne by them equally. Accordingly, this statement shall also be deemed to be a part of the consent terms.

6] The petitioner no. 3 who is present in the Court states that he is duly constituted attorney for the petitioner no. 2 and that the necessary power of attorney will be filed in this Court for the purposes of record latest by 15 June 2016. This statement made by the petitioner no. 3 is accepted.

7] This petition is disposed of in the aforesaid terms. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)