

Mr. E. A. Sasi for Petitioners.
Mr. Harakhchand Gada a/w. Ms Yogini D. Gada i/b. Harakhchand & Co. for
Respondent No.1.

P.C. :

3. Mr. Sasi states that respondent No.1-Premji Nanji Dudha @ Gohil is the original plaintiff. Petitioners and respondents No.2 to 10(e) are the defendants in the Suit. Defendant No.7 is the Power of Attorney Holder of defendant No.6. Defendant No.10(b) is the Power of Attorney Holder of defendant No.10(d). He states that defendant No.7 has signed the consent terms in her individual capacity as also on behalf of defendant No.6. Defendant No.10(b) has signed the consent terms in her individual capacity as also on behalf of defendant No.10(d). Learned Counsel for the parties state that the controversy between the plaintiffs and defendants is amicably settled. It is agreed between the parties that the plaintiffs will be given 40% share and the defendants will be given remaining 60% share in the suit property .

4. Learned Counsel for the parties submit that plaintiffs and defendants, excepting defendants No.6 and 10(d), are present in the Court. They have tendered photocopies of their identity cards, which are taken on record and marked 'A' collectively for identification. Learned Counsel appearing for the parties have also tendered consent terms dated 01.12.2016 duly signed by the parties and their Advocates. The same is taken on record and marked 'B' for identification. Parties admit and confirm the correctness of the consent terms. Learned Counsel for the parties assure that they will present the consent terms in the trial Court tomorrow i.e. 03.12.2016. They further request that their presence may be excused. In view of the consent terms, Mr. Sasi seeks permission to withdraw the Petition.

5. On the motion made by Mr. Sasi, Petition is allowed to be withdrawn and is disposed of as such. As the parties have admitted and confirmed the correctness of the consent terms, their presence before the trial Court is dispensed with. The learned trial Judge will pass appropriate order in the Suit in terms of the consent terms as also accept the undertaking given by the defendant No.7 in paragraph 10 of the consent terms. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab