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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 636 OF 2012

Kishorelal Chugh

.. Applicant

Vs.

Sadanand Shivram Thakur and others

.. Respondents

Mr.Himanshu V. Kode, Advocate for the Applicant.

Mr.Marroof M.Khan, Advocate for Respondent No.1.

CORAM : R.G.KETKAR, J.

DATED : 23rd FEBRUARY, 2016

P.C. :

. Heard Mr.Himanshu V. Kode, learned Counsel for the applicant and Mr.Marroof M.Khan, learned Counsel for respondent No.1.

2. The applicant has instituted the above Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.') challenging the order dated 05/05/2012 passed by the learned Civil Judge, Junior Division, Uran in Misc. Application filed by the applicant for enlarging the time to deposit remaining amount of consideration as per the decree dated 02/09/2011. By the impugned order, the learned trial Judge rejected the application.

3. Mr.Kode submitted that the applicant instituted Suit for specific performance of agreement dated 15/01/2004 executed by

defendants No. 1 and 2 in favour of the plaintiff and for declaration that the said agreement is legal, valid and subsisting. The Suit was decreed on 02/09/2011. Clause 5 thereof required the plaintiff to deposit the remaining amount of consideration in the Court within 15 days from the date of the order. As the plaintiff did not deposit remaining amount within 15 days, he moved an application for enlarging the time to deposit the amount and by the impugned order, the application is rejected.

4. Learned Counsel for the parties state that respondents No. 1 and 2 did not challenge the decree passed by the trial Court. They have tendered the consent terms dated 15/02/2016 duly signed by the parties and their advocates and submitted that Civil Revision Application may be disposed of in terms of the consent terms. The consent terms are taken on record and marked 'X' for identification.

5. Mr.Kode has tendered affidavit of the applicant dated 16/02/2016 stating out therein that he has performed his part of the agreement dated 15/01/2004 by paying full consideration amount to the first respondent. The same is taken on record and marked 'Y' for identification. Mr. Kode states that Kishorelal Chugh, proprietor of the applicant is present in the Court. He has tendered a photocopy of the 'Aadhar Card' which is taken on record and marked 'A' for identification. Mr.Khan states that first respondent is present

in the Court. He has tendered a photocopy of the 'Aadhar Card' which is taken on record and marked 'B' for identification.

6. Learned Counsel appearing for the parties state that the controversy between the parties is amicably settled in terms of the consent terms and above Civil Revision Application may be disposed of in terms of the consent terms. The parties admit the contents and correctness of the consent terms.

7. After perusing the consent terms as also the decree passed by the trial Court, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. Hence, Civil Revision Application is disposed of in terms of the consent terms marked as 'X'. Order accordingly.

(R.G.KETKAR, J.)