

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

WRIT PETITION (STAMP) NO.21709 OF 2014

Arun Ramchandra Mirkute and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Bhushan Walimbe i/by Ms. Preeti Walimbe, for the Petitioners.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 and 2.

Mr. Harshad Bhadbhade, for the Respondent No.3.

CORAM : R.M. SAVANT, J.

DATE : 3rd MAY 2016

PC.

1. By an order passed today in Civil Application (Stamp) No.13396 of 2016, the Respondent Nos.24 to 26 were allowed to be impleaded as party Respondents to the above Petition.

2. The above Writ Petition is an outcome of the proceedings filed by the Petitioners for a declaration that they are tenants, and the proceedings filed by the Respondent No.3 landlord for a negative declaration that the Petitioners are not tenants. The order impugned in the above Petition is order dated 18.07.2014 passed by the ALT and Tahsildar, Kalyan, by which order, he refused to extend stay which had earlier been

granted on 16.06.2014.

3. The parties have now tendered Consent Terms bearing today's date i.e. 03.05.2016 evidencing the settlement arrived at between the parties. The said Consent Terms have been filed on behalf of the Petitioners as also on behalf of the Respondent No.3 and the Respondent Nos.24 to 26 who can be said to be the main contesting Respondents. In so far as the Respondent No.3 is concerned, he has executed a Power of Attorney dated 26.07.2013 in favour of the Respondent Nos.24 and 25 i.e. Shri. Chetan Vidyadhar Sharaf and Shri. Gulamali Abdul Razak Moulvi. The said Respondent Nos.24 and 25 have therefore signed for the Respondent No.3 as his Power of Attorney. (A photocopy of the Power of Attorney dated 26.07.2013 is taken on record and marked as "X" for identification.) The Learned Counsel therefore pray that the Petition be disposed of in terms of the Consent Terms. The Consent Terms have been signed by the Petitioner Nos.1 and 8 as Power of Attorneys of other remaining Petitioners. The remaining Petitioners have executed a Power of Attorney dated 02.05.2016 in favour of the Petitioners Nos.1 and 8. In terms of clause (2) thereof, the Petitioner Nos.1 and 8 are entitled to sign the Consent Terms on behalf of the other Petitioners. (A photocopy of the Power of Attorney dated 02.05.2016 executed in favour of the Petitioner Nos.1 and 8 by the other Petitioners is taken on record and marked as "Y"

for identification.) The Petitioner Nos.1 and 8 have been identified by Mr. Bhushan Walimbe the Learned Counsel appearing on behalf of the Petitioners as also they have tendered the photocopies of their PAN Cards which are taken on record as “Exh.A” and “Exh.B” for identification. The Respondent Nos.24 to 26 i.e. Shri. Chetan Vidyadhar Sharaf and Shri. Gulamali Abdul Razak Moulvi and Shri. Shrikant Digambar Shitole are identified by Mr. Harshad Bhadbhade the Learned Counsel appearing for the Respondent No.3, the said newly added Respondent Nos.24 to 26 when put in the box and queried state that the Consent Terms are acceptable to them and they have signed them of their own free will and volition. The Respondent Nos.24 to 26 have tendered the photocopies of their PAN Cards which are taken on record as “Exh.C”, “Exh.D” and “Exh.E”. The undertakings given by the parties vide clauses I, K, L, M, N and O are accepted. The Consent Terms are taken on record and marked as “Z” for identification. The Petition is disposed of in terms of the Consent Terms.

[R.M. SAVANT, J]