

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 233 OF 2015

|                                     |     |              |
|-------------------------------------|-----|--------------|
| Shri Sudarshan Balgonda Patil       | ... | Petitioner.  |
| V/s.                                |     |              |
| Shri Baban Dadu Katkole and others. | ... | Respondents. |

Tejpal S. Ingale for the petitioner.

Vivek V. Salunke for the respondents.

**CORAM : D.H.WAGHELA, C.J.**

**DATE : 25<sup>th</sup> July 2016.**

**PC. :**

The petition is taken up on board for hearing and disposal as requested by learned counsel for either side and as recorded in the order dated 25<sup>th</sup> July 2016 in Civil Application No.1709/2016.

2. Learned counsel appearing on either side have placed on record the consent terms with signatures of learned counsel appearing on either side and the petitioner and respondent No.4 who are personally present before the Court and identified by their

learned counsel. The consent terms, which are taken on record and marked “X” for identification, read as under:

“CONSENT TERMS

1. By consent of both parties the present Writ Petition can be disposed off with following directions to the Trial Court.

2. The Regular Civil Suit No.178/2011 filed by present Respondents against the present Petitioner & ors. in the Court of Ld. C.J.J.D., Vadgaon and the Regular Civil Suit No.387/2012 filed by the present Petitioner against the present Respondents above named in the Court of Ld. C.J.J.D., Vadgaon in respect of present suit land bearing Gat No.1024/B admeasuring 26R situated at Village Herle, Taluka Hatkanangale, Dist. Kolhapur, be heard and disposed off by the Trial Court within a period 6 months from the date of this order. Both the parties in both suits will cooperate for final disposal of the suit within the said period and will not seek adjournment on any ground.

3. During the pendency of abovesaid suits the interim relief granted by this Hon'ble Court in terms of prayer clause (c) in the above said Writ Petition granted by Order dated 18.12.2014 and 11.09.2015 will continue to operate.”

3. The assurance is extended by learned counsel appearing on either side, on instructions of the parties, who are personally present, that the parties will not precipitate any matter in respect of subject matter of two civil suits pending before the learned Civil Judge, Vadgaon; that they will co-operate in early disposal of both the civil suits; that their counsel shall not ask for any unnecessary

adjournments and raise any frivolous issues; and that learned Civil Judge concerned will be requested to impose appropriate costs in case the disposal of the suits is delayed by any of the parties. Even as the parties have agreed to have both the suits heard and disposed within a period of six months from the date of this order, it shall be open for the Court to extend the time limit in case of necessity and on condition of payment of appropriate amount of costs by the party to whom the delay in disposal of the suits may be attributed.

4. By consent both civil suits shall be listed for hearing before the Civil Judge, Vadgaon on 12<sup>th</sup> August 2016 and the parties shall appear personally or through their advocates on that date.
5. With the above observation, petition is disposed in terms of consent terms with no order as to costs.

CHIEF JUSTICE