

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1188 OF 2014
WITH
CIVIL APPLICATION NO. 1568 OF 2014

Balkrishna Govind Joil and another

... Appellants

Versus

Bajirao Dattatray Mungekar and another

... Respondents

Ms. Shruti Kelji alongwith Mr. Umesh Waghmare for the Appellants/Applicants.

Mr. S.K. Chaurasia i/by Mr.Akshay Malvia for the Respondent No.1.

Mr. A.N. Narula i/by Jhangiani, Narula and Associates for the Respondent No.2.

CORAM : S.J. KATHAWALLA, J.
DATED : 28th SEPTEMBER, 2017

P.C.:

1. Adv. Ms. Shruti Kelji states that she has obtained no objection of Advocate Ms. Sonali Patil and has filed her Vakalatanama.
2. The Learned Advocates appearing for the parties have tendered the Consent Terms. They submit that the Consent Terms be taken on record and the above First Appeal be disposed off in terms of the Consent Terms. The Consent Terms are taken on record and marked 'X' for identification. The Consent Terms are signed by the Appellant Nos.1 and 2 and the Respondent No.1. The Consent Terms are also signed by the Advocates for the Appellant Nos.1 and 2 and the Respondent No.1. The Respondent No.2 and/or his Advocate has not signed the Consent Terms. However,

the Respondent No.2 has informed the Court that since the Court Receiver, High Court, Bombay is appointed as Receiver in respect of the flat which is the subject matter of the litigation and is in possession of Respondent No.2, the Respondent No.2 is present in Court only to ensure that the Court Receiver stands discharged. Advocate for the Respondent No.2 further states that he has no objection if the First Appeal is disposed off in terms of the Consent Terms. The statement is accepted.

3. The First Appeal is therefore disposed off in terms of the Consent Terms marked 'X'. The Court Receiver appointed in respect of Flat No.701 in the building known as Anand Mangal Building, 7th Floor, 'A' Wing, at Plot Nos.167 to 170, Jawahar Nagar, Khar (East), Bandra, Mumbai stands discharged without passing accounts, but subject to payment of his costs, charges and expenses by the Appellants/Applicants.

4. The above First Appeal and Civil Application are accordingly disposed off.

(S.J.KATHAWALLA,J.)