

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 512 OF 2002**

Shri Laxman Mahipati More

..Petitioner

Vs.

Shri Ashok Tukaram Gadkari & Ors

..Respondents

Mr. K. P Shah i/b Mr. P B. Shah for the Petitioner

Mr. J. M. Puranik for the Respondent Nos.1 and 2

CORAM : R. M. SAVANT, J.

DATE : 24th MARCH, 2017

P.C.

1 At the outset, the Learned Counsel for the Petitioner seeks deletion of the Respondent No.3 who has expired and the Respondent No.4 which is a formal party. The said Respondents are allowed to be deleted at the risk of the Petitioner. Amendment to be carried out forthwith.

2 The above Petition is pending for hearing and final disposal. The Learned Counsel for the parties i.e. Mr. Shah for the Petitioner and Mr. Puranik for the Respondent Nos.1 and 2 tender consent terms bearing today's date i.e. 24-3-2017. The said consent terms evidence the settlement arrived between the parties. The consent terms have been signed by the constituted attorney of the Petitioner Mr. Rajendra Laxman More, who is his son. The consent terms have also been signed by the Respondent No.1 and bears the thumb impression of the Respondent No.2. The said thumb impression of the

Respondent No.2 is identified by one Jagannath Dashrath Ughade who is her son. The consent terms have also been signed by the Learned Counsel Mr. Shah for the Petitioner and the Learned Counsel Mr. Puranik for the Respondent Nos.1 and 2.

3 The constituted attorney of the Petitioner Mr. Rajendra Laxman More is personally present in court and when queried states that he has read the consent terms and has also read over and explained them to his father i.e. the Petitioner. He has produced the Adhar Card bearing No.359908866463 in support of his identification. He further states that the consent terms are acceptable to him and his father and that he has signed them as the constituted attorney of his father i.e. the Petitioner abovenamed.

The Respondent No.1 Ashok Tukaram Gadkari is also personally present in court. He also states that he has been read over and explained the consent terms and that they are acceptable to him and that he has signed them of his own free will and volition. He is identified by Mr. Puranik. He has produced Adhar Card bearing No.228597387886 in support of his identification.

The Respondent No.2 Smt Lilabai Dashrath Ughade is also personally present in court. She is identified by Mr. Puranik. She has also produced her Adhar Card bearing No.317135010343 in support of her identification. She states that she has been explained the contents of the

consent terms and that they are acceptable to her. Mr. Jagannnath Dashrath Ughade the son of the Respondent No.2 is also personally present in court. He identifies the thumb impression of the Respondent No.2 Smt Lilabai Ughade who is his mother. He states that the consent terms have been explained to his mother and to him by Mr. Puranik, the Learned Cousnel who is appearing for them in the above Petition. He is also identified by Mr. Puranik and has produced his Adhar Card bearing No.446629075199 in support of his identification.

4 The constituted attorney of the Petitioner has signed the consent terms on the basis of the power of attorney executed by the Petitioner which is annexed to the consent terms, the said power of attorney is dated 20-4-2016 and in clause (2) thereof the power to enter into a compromise has been conferred on the constituted attorney. The consent terms are paginated from page Nos.1 to 17. At page 6 is the latest 7/12 extract of the land in question being Survey No.379. At page 8 is the sketch issued by the city survey officer, Satara and page 9 is the coloured copy of the said sketch wherein at the bottom of the lands which are shown in the said sketch, 6 Ares of land has been shown in hatched portion in red colour at the bottom left. The consent terms are taken on record and marked as "X" for identification. The Petition is disposed of in terms of the consent terms.

[R.M.SAVANT, J]