

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.439 OF 1993
with
CAF/191/2017

Nagindas Vithalbhai Patel
since deceased, by his heirs
1A. Bipinbhai N. Patel & Ors.

... Appellants

Vs.

Smt.Dahiben @ Samjuben R. Patel
since deceased by his heirs:

1A. Smt.Kunjbala w/o. Rameshbhai Patel & Ors. ... Respondents

Ms.S.M. Dandekar for the Appellants
Ms.Prama raval Shah with B. Samani i/b Raval Shah & Co. for
Respondent Nos.1D(i) to 1D(iv)

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: OCTOBER 12, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. Learned Counsel appearing for the parties have tendered consent terms signed by appellant No.1(c) and respondent No.1D(ii) and their respective advocates. The said consent terms are taken on record and marked 'Exhibit 1' for identification.

3. The learned Counsel for the appellants submits that names of appellant No.1A Bipinbhai Patel, appellant No.3 Yeshmati N. Patel are deleted. The Counsel appearing for Respondent Nos.1D(i) to 1D(iv) submits that Respondent No.1D(ii) is a power of attorney holder of Respondent Nos.1D(i), 1D(iii) and 1D(iv). Further, an email sent by Shri Jitendra Patel, one of the appellants, is placed on record which indicates authorises appellant No.2 Dushyant Patel to compromise the mater. The said email and the photocopies of the powers of attorney, which are verified with the originals, are taken on record and marked collectively 'Exhibit 2' for identification.

4. Undertaking given in consent terms is accepted. Respondent No.1D(ii) Shri Prayag Vinod Patel is allowed to withdraw the entire money deposited in the City Civil Court.

5. This appeal is disposed of in terms of consent terms. Decree to be drawn up in accordance with consent terms.

6. In view of the disposal of the appeal, Civil Application also stands disposed of.

(MRIDULA BHATKAR, J.)