

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

WRIT PETITION NO.7726 OF 2004

Gurunath Sakharam Narvekar : Petitioner
versus
Prakash Narayan Malgaonkar : Respondent.

Mr. G H Keluskar for the Petitioner.
Mr. G J Sabnis for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 21st APRIL 2017

P.C.

1 The learned counsel for the parties i.e. Shri G H Keluskar for the Petitioner and Shri G J Sabnis for the Respondent tender Consent Terms bearing today's date i.e. 21/04/2017 evidencing the settlement arrived at between the parties. The learned counsel for the parties pray that the above Writ Petition be disposed of in terms of the Consent Terms.

2 The Consent Terms have been signed by the learned counsel for the Petitioner Shri G H Keluskar and the learned counsel for the Respondent Shri G J Sabnis as also by the Constituted Attorney of the Petitioner Shri Avaduth Gurunath Narvekar, who is the son of the Petitioner and by the Respondent Shri Prakash Narayan Malgaonkar. Both Shri Avaduth Gurunath Narvekar and Shri Prakash Narayan Malgaonkar are personally present in Court.

3 The Constituted Attorney Shri Avaduth Gurunath Narvekar is identified by the learned counsel Shri G H Keluskar and is also identified by his PAN Car bearing No.AALPNO0502D. On being put in the box and queried he states that the Consent Terms have been read over and explained to the Petitioner and that he has also read over and understood them and that the same are acceptable to the Petitioner and him. He further states that he has signed the Consent Terms of his own free will and volition.

4 The Respondent Shri Prakash Narayan Malgaonkar is identified by the learned counsel Shri G J Sabnis. He is also identified by his Aadhar Card bearing No.3799 3909 4051. On being put in the box and queried he states that he has read over and understood the Consent Terms and that the same are acceptable to him. He further states that he has signed the Consent Terms of his own free will and volition.

5 To the said Consent Terms a Possession Receipt executed on 20/04/2017 is annexed at Page 4 as also the Power of Attorney dated 06/04/2017 executed by the Petitioner in favour of his son Avaduth Gurunath Narvekar. By the said Power of Attorney executed by the Petitioner, the powers to sign the Consent Terms are specifically conferred by Clause 2 of the said Power of Attorney. The said Power of Attorney bears page Nos.5 to 8. The said

Consent Terms along with the Power of Attorney are therefore paginated from 1 to 8. The said Consent Terms are taken on record and marked as “X” for identification. The above Writ Petition is disposed of in terms of the Consent Terms.

[R.M.SAVANT, J]