

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL (St.) No. 18906 OF 2017
WITH
CIVIL APPLICATION No. 2614 OF 2017
WITH
CIVIL APPLICATION No. 2615 OF 2017**

D.M. Developers & Ors. ... Appellants/Applicants
Vs.
Diwakar R. Sharma & Ors. ... Respondents

Mr. Pradeep J. Thorat a/w. Mr. P.B. Gujar, Advocate for the
appellants/applicants.
Mr. Manohar V. Shetty, Advocate for respondent nos. 1 and 2.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 6th October, 2017.

P.C.:

Upon mentioning, taken on production board.

2. The learned counsel for both the parties submit that the appellants and respondents are present and they want to file the consent terms.

3. The learned counsel produced the consent terms. The consent terms are signed by appellant nos. 1, 2 and 3 and respondent nos. 1 and 2. The learned counsel for the appellants submitted that appellant nos. 4 and 5 have not signed the consent terms, as they

are out of India. The learned counsel submitted that respondent nos. 3 and 4 are the original defendants, however, they have not challenged the judgment and decree passed by the trial Court by filing Appeal. Thus, the main contesting parties are respondent nos. 1 and 2 and appellants nos. 1 to 3. The parties are present. The parties along with their respective counsel signed the consent terms. As appellant nos. 4 and 5 have not signed the consent terms, it is not binding on appellant nos. 4 and 5. The consent terms is taken on record and marked as Exhibit 1. The undertakings given in the consent terms by the parties are accepted. In view of the consent terms, First Appeal is disposed of. Decree is to be drawn in terms of the consent terms.

4. Civil Applications are also accordingly disposed of.

(MRIDULA BHATKAR, J.)