

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 580 OF 2015

SAYYAD ATHAR SAYYAD SULTAN AND ANOTHER
VERSUS
SHAIKH SALIM SHAIKH NABI AND OTHERS

Advocate for Appellants : Mr. L.V. Sangit.
Advocate for Respondent No. 1 : Mr. N.B. Patekar
h/f. Mr. P.R. Katneshwarkar.
Advocate for Respondent No. 3 : Mr. P.V. Barde.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 23rd March, 2018

PER COURT :

1. This matter was not on board, today. A motion was jointly moved by the learned advocates at 10.30 a.m. contending that the litigating sides have resolved their dispute and hence, pray for disposal of this second appeal in the light of the consent terms. Hence, taken on the production board.

2. The consent terms (ten pages) duly signed and sworn before the Section Officer of this Court, is placed on record. The said consent terms are marked as 'X' for identification.

3. Learned advocate for the appellants submits that

the appellants seek to delete respondent Nos. 2 and 3. Deletion is permitted at the risk of the appellants. Deletion be carried out forthwith.

4. Learned counsel Shri Barde, submits on behalf of respondent Nos. 3 that he has no instructions.

5. Learned counsel for the appellants and respondent No. 1 jointly submit that this Second Appeal can be disposed of as per the consent terms and a decree can be drawn.

6. It is further, submitted that the appellants and respondent No. 1 are present in the Court and are identified by the learned advocates.

7. Considering the above, the Second Appeal stands disposed of as per the consent terms. The judgment and decree dated 19/11/2007, delivered by the Trial Court in R.C.S. No. 221/1998, stands modified in accordance with the consent terms. A decree shall, therefore, be drawn as per the consent terms.

8. The amount deposited by the appellants in this

Court would, therefore, be withdrawn by the appellant with accrued interest in view of the consent terms and as per the procedure followed by the office of this Court for disbursing the amount.

(RAVINDRA V. GHUGE, J.)

S.P.C.