

Sequeira

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

*SECOND APPEAL NO. 304 OF 2012
Along with
CIVIL APPLICATION NO. 568 OF 2012*

Dasharath Datoba Khandekar and others .. Appellants
Vs
Bharat Dashrath Khandekar and others .. Respondents

*And
CIVIL APPLICATION NO. 632 OF 2013*

Ishwara Tatoba Khandekar and others .. Appellants
Vs
Bharat Dashrath Khandekar and others .. Respondents

Mr.V.S.Talkute, for Appellants / Applicants in both Civil Applications.

Mr.S.B. Kalel, for Respondent Nos.1 and 2.

Mr.Vijay Ishwara Khandekar, Appellant No.3 present.

Mr.Pritam Ishwara Khandekar, Appellant No.5 present.

Mr.Sambhaji Ishwara Khandekar, Appellant No.6 present.

Mr.Bharat Dashrath Khandekar, Respondent No.1 present.

*Coram : N.M.Jamdar, J.
Date : 22 January 2018.*

Oral Order :

The learned counsel for the parties state that parties have executed Consent terms. The learned counsel for the Appellants states that Respondent Nos.3 and 4 be deleted from the array of parties. Deletion is permitted at the risk and consequences of the Appellants. The amendment to be carried out forthwith. It is obvious that the Consent terms will not bind the deleted Respondents.

2. The learned counsel for the parties state that the Consent terms have been signed by the remaining Appellants and Respondents and the Advocates. The learned counsel for the parties state that some of the Appellants and Respondents are present today in the Court. At their request the Consent terms are taken on record and marked 'X'.

3. I have gone through the Consent terms. It is stated that there were partition proceedings between the parties and parties have agreed for the allocation of shares in a particular manner.

4. In the circumstances, the Second Appeal is disposed of in terms of Consent terms. The judgment and decree passed by the learned District Judge, Pandharpur will stand modified in terms of Consent terms.

5. It is open to the parties to produce the authenticated copy of

this order before the revenue authorities for further action, who will act as per the Consent terms, if permissible as per law, if such an application is made.

6. The learned counsel for the parties state that the amount of Rs.10,000/- as mentioned in the earlier order has been deposited. The parties be permitted to withdraw the same.

7. In view of the above order passed in Second Appeal, both the Civil Applications stand disposed of.

(N.M.Jamdar, J.)