

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3237 OF 1996

WITH

CONTEMPT PETITION NO.214 OF 2017

WITH

CIVIL APPLICATION NO.1013 OF 2017

Pradeep Dyanoba Todkar ... Petitioner

Vs.

Tukaram Baburao Mungase (decd) through

Vasudev Tukaram Mungase and others ... Respondents

Mr. Jaydeep Deo for Petitioner / Applicant.

Mr. A. G. Kundekar i/b. Mr. S. G. Karandikar for Respondents No.1a and 1b.

Ms P. J. Gavhane, AGP for Respondent No.3-State.

CORAM : R. G. KETKAR, J.

DATE : DECEMBER 20, 2018

P.C. :

Not on Board. At the joint request of Mr. Deo, learned Counsel for the petitioner and Mr. Kundekar, learned Counsel for respondents No.1a and 1b, taken up in the production Board.

2. Mr. Deo and Mr. Kundekar have tendered consent terms dated 20.12.2018, duly signed by the petitioner, respondents No.1a, 1b and 2 as also by the Advocate for the petitioner and Advocate for the respondents No.1a and 1b. Along with the consent terms, photocopies of Aadhar Card of the petitioner, respondent No.1a and respondent No.2-Pundalik Deokar and driving licence of respondent No.1b are annexed. The same is taken on record and marked 'A colly.' for identification.

3. Mr. Deo and Mr. Kundekar as also the respondent No.2 submit that the impugned order dated 30.04.1996 passed by the learned Member, Maharashtra Revenue Tribunal, Mumbai, Camp at Pune in

Revision Application No.MRT/P/I/4 of 1991 be quashed and set aside and the order dated 26.09.1989 passed in favour of the petitioner under Section 32-P of the then Bombay Tenancy and Agricultural Lands Act, 1948 on payment of necessary price and subject to certain conditions be declared as legal and valid. The learned Counsel for the parties submit that as the controversy between the parties is amicably settled, the Petition may be disposed of in terms of the consent terms.

4. Learned Counsel for the parties further submit that they have explained the contents of the consent terms to the petitioner and respondents and that they have understood the contents thereof. Petitioner and respondents No.1a and 1b as also respondent No.2 confirm the correctness of the consent terms.

5. After perusing the consent terms, I am satisfied that the controversy between the parties is amicably settled. Impugned orders stand substituted in terms of the consent terms. In view thereof, Petition is disposed of in terms of the consent terms. Rule is made absolute accordingly with no order as to costs. Undertakings given by the parties in the consent terms are accepted. In view of the disposal of the main Petition, Civil Application No.1013 of 2017 for issuing mandatory injunction does not survive and the same is disposed of accordingly.

6. In view of the disposal of the main Petition in terms of the consent terms, Mr. Deo seeks permission to withdraw the Contempt Petition No.214 of 2017.

7. On the motion made by Mr. Deo, Contempt Petition is disposed of as withdrawn. Order accordingly.

(R. G. KETKAR, J.)