

the learned Judge of the trial Court dismissed the suit filed on behalf of the Appellants for recovery of possession of the disputed suit premises.

3. Appeal was admitted on 29th August, 2011, and since then it was pending before this Court.

4. During pendency of the present appeal, parties to the appeal have arrived at an amicable settlement and they have tendered the consent terms, which are signed signed by Appellant No. 1 and Appellant No. 2 and their counsel, so also by the Respondent and her counsel; so also the affidavit cum undertaking by Bipinchandra M. Kothari and Vipul B. Kothari. The consent terms are also annexed with the map. Said consent terms alongwith affidavit cum undertaking and the map tendered in the Court are taken on record and marked as “Document X” for the purpose of identification. As per the consent terms, Respondent Dr. Nalini Kothari has surrendered her rights as tenant in the cabin admeasuring approximate 240 sq. ft. alongwith small room behind the WC admeasuring 7'2” X 3'6” as well as the store room admeasuring 6'7” X 3'7”, as mentioned in paragraph 1 of the consent terms.

5. Mr. Bipinchandra M. Kothari and Mr. Vipul B. Kothari are personally present before the Court. Appellants, personally present, are duly identified by advocate Ms. Rita Bhatia appearing for the Appellants, and similarly, the Respondent and Mr. Bipinchandra M. Kothari and Mr. Vipul B. Kothari personally present are also identified by advocate Mr. D. R. Shah, appearing for the Respondent.

6. Since the Respondent – tenant has surrendered her tenancy rights and handed over possession to the Appellants / owners, as stated by her in the consent terms, appeal is disposed of as compromised.

7. Decree be drawn up in terms of the consent terms. It is made clear that consent terms (Document “X”) shall be the part and parcel of the decree. No order as to costs.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath