

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 1933 OF 1999

Yashwant Damodar Thanekar (since deceased)

Through His Heirs & LRs

1(a) Shaila Yashwant Thanekar

and others.

...Petitioners

Versus

Ahilya Jairam Sawant (since deceased)

Through Her Heir & LR

1a. Archana Arvind Sawant

...Respondent

WITH
Civil Application No.452 of 2008
In
Writ Petition NO. 1933 OF 1999

....

Mr. Dilip Shinde, Advocate for the Petitioners.

Ms. Priti Sawant i/b. Aparna Sawant, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 08th JUNE, 2018

P.C.

1. Heard Mr.Dilip Shinde, learned counsel for the petitioners and Ms.Priti Sawant, learned counsel for the respondent.

2. The parties have tendered consent terms dated 8.6.2018 duly signed by the parties and their Advocates. Same is taken on record and marked 'A' for identification. Mr. Shinde states that petitioners No.1(a)

to 1(d) are present in Court. He has tendered photo-copies of their Aadhaar Cards, which are taken on record and marked 'B collectively', for identification.

3. Ms. Sawant states that the respondent is also present in the Court. She has tendered photo-copy of her Aadhaar Card, which is taken on record and marked 'C' for identification.

4. The parties admitted and confirmed the correctness of the consent terms. The learned Counsel for the parties submit that as the controversy between the parties is amicably settled in terms of the consent terms, the petition may be disposed of in terms of the consent terms.

5. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. Under the consent terms, the petitioners have agreed to provide 275 sq. ft. carpet area to the respondent, as and by way of permanent alternate accommodation on ownership basis. The statement of the respondent that the respondent shall pay an amount of Rs.25,000/- to Prime Developers for 25 sq. ft. out of extra 80 sq. ft. assured by Prime Developers, is accepted in the form of an undertaking to this Court.

6. In view thereof, the Petition is disposed of in terms of the consent terms. Rule is discharged with no order as to costs. In view of disposal of main Petition, Civil Application No.452/2008 for issuing directions does not survive and the same is also disposed of. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)