

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.2750 OF 2000**

Mehru D. Nariman (since deceased)	]	
Roossi Nariman & Ors.	]	Petitioners
Vs.		
Jimmy Erach Dadabhoy & Ors.	]	Respondent

**WITH
CIVIL APPLICATION NO.1308 OF 2010
WITH
CIVIL APPLICATION NO.2458 OF 2013**

Jimmy Erach Dadabhoy	]	Petitioner
Vs.		
Mehru D. Nariman (since deceased)	]	
Roossi Nariman & Ors.	]	Respondents

.....

Mr. P.N. Joshi i/b M/s. Ranjit & Co., for petitioners.
Mr. Sandeep Sharma i/b P.M. Shah, for respondent No.1.

.....

CORAM : R.G. KETKAR, J.

DATE : 19TH APRIL, 2018.

P.C.

Heard Mr. Joshi, learned Counsel for the petitioners and Mr. Sharma, learned Counsel for respondent No.1 at length. Mr. Sharma assures that he will file Vakalatnama for respondent No.1 within one week from today after obtaining no objection from previous Advocate. Statement of Mr. Sharma is recorded.

2. Learned Counsel for the parties have tendered consent terms dated 19th April, 2018 duly signed by petitioner No.1A and respondent No.1 as also learned Counsel for petitioner No.1A and respondent No.1. The same are taken on record and marked "A" for identification. Mr. Joshi states that petitioner No.1A Roosi Nariman is present in the Court. He states that colour photo copy of Aadhaar card and photo copy of PAN card of petitioner No.1A is annexed with the consent terms. Mr. Sharma states that respondent No.1 is present in the Court. He states that photo copy of his Aadhar card is annexed with the consent terms. Parties admit and confirm correctness of the consent terms. Learned Counsel for the parties submit that Petition may be disposed of in terms of the consent terms. Controversy between the parties is in respect of Flat No.3 admeasuring 2705 square feet situate on the first floor of Roxana Building situate at 109, Maharshi Karve Road, Mumbai 400 020 (for short 'subject matter').

3. I have perused the consent terms tendered by learned Counsel for the parties. Clause 4 of the consent terms records that respondent No.1 has granted, transferred and assigned all his reversionary right, title and interest to petitioner No.1A and as such petitioner No.1A has become full and absolute owner by virtue of the merger of his tenancy rights and transfer and assignment of Flat admeasuring 1086 square feet carpet area as marked and shown in green and blue colour on the plan annexed as Exhibit A, referred to as Flat 3A and remaining part of the subject flat admeasuring 1619 square feet carpet area as shown and marked in red colour referred to as Flat No.3B on the plan annexed as Exhibit A thereto. Petitioner No.1A will give possession of Flat No.3B within 7 weeks from the date of issuance of the order passed in pursuance of these consent terms. Learned Counsel for the parties submit that other formalities to be carried out by parties are provided in rest of the clauses of the consent terms.

4. Learned Counsel for the parties further state that rights of any person who is not party to the present proceeding are not affected by these consent terms. I am satisfied that controversy between the parties is lawfully settled in terms of the consent terms. Parties agree that they will register the consent terms as also comply with the requisitions stipulated in the consent terms. The impugned orders stand substituted by the consent terms. By consent of the parties, Petition is disposed of in terms of the consent terms.

5. As the main Petition is disposed of, pending Civil Application No.1308 of 2010 and Civil Application No.2458 of 2013 do not survive and are disposed of.

6. Issuance of certified copy is expedited. Order accordingly.

[R.G. KETKAR, J.]