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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (St.) No. 20006 OF 2016
WITH
CIVIL APPLICATION No. 4109 OF 2016

M/s. Koley Gum Enterprises & Ors. ... Appellants
Vs.
Ms. Tanvi Rajesh Varma ... Respondent

Mr. Bharat Vaishnav I/b M/s. Bharat Vaishnawa & Co, for the
Appellants.

Mr. Vaijanath P. Vaze, for the Respondent .

CORAM : V. M. DESHPANDE, J.

DATE : JULY 18, 2018

PC :-

1. Present appeal is filed against the judgment and decree passed by the learned Judge, City Civil Court, Mumbai in Summary Suit No. 9117 of 2000 whereby the Plaintiff's (Respondent herein) suit was decreed. In the morning session, this matter was mentioned before me for taking it on the production board, since the parties have settled the dispute amicably. Accordingly, appeal was taken up for consideration in

the afternoon session on the production board.

2. Heard the learned counsel appearing for the Appellants and the learned counsel for the Respondent. On behalf of the Appellant, Mr. Harshad Sheth, proprietor of Kolety Gum Industries is personally present. On behalf of Respondent Tanvi Varma, her father Rajesh Varma is present. Parties are duly identified by their respective counsel.

3. Plaintiff has executed power of attorney in favour of her father Rajesh Varma. In fact, from the impugned judgment it is clear that for and on behalf of the plaintiff, Rajesh Varma entered into witness box as PW 1 and the power of attorney was referred to him during his cross-examination by the Appellants / defendants. In that view of the matter, it is clear that Mr. Rajesh Varma is duly constituted attorney of the original plaintiff Tanvi Varma.

4. Today, consent terms alongwith irrevocable power of attorney executed by Tanvi Varma in favour of her father Rajesh Varma are tendered, which are taken on record and marked "X"

for the purpose of identification.

5. As per the consent terms, the Appellant has paid a sum of Rs. 2,05,000/- to the Respondent by banker's cheque towards full and final settlement of the decretal amount. Mr. Rajesh Varma, the constituted attorney of plaintiff Tanvi Varma acknowledged that he has already received the cheque. In view of this, following order is passed:

- (i) Appeal is disposed of in terms of the consent terms;
- (ii) Consent terms alongwith document marked "X" shall be the part and parcel of the decree.
- (iii) Court fee, if any, be refunded as per rules.
- (iv) Civil application, if any, pending in this appeal shall also stand disposed of.

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

Vinayak Halemath