

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.635 OF 2015

Piyush Dinubhai Patel and others ... Applicants
Vs.
Hemendra Jamnada Jethwa and others ... Respondents

WITH
CIVIL APPLICATION NO.196 OF 2017
IN
CIVIL REVISION APPLICATION NO.635 OF 2015

Hemendra Jamnada Jethwa and others ... Applicants

In the matter of:

Piyush Dinubhai Patel and others ... Applicants
Vs.
Hemendra Jamnada Jethwa and others ... Respondents

Mr. Sunil C. Patel i/b. M/s. Sunil & Co. for Applicants.
Ms Sandhya A. Mailagir i/b. Mr. Haresh J. Lulia for Respondents.

CORAM : R. G. KETKAR, J.
DATE : JULY 16, 2018

P.C. :

Not on Board. At the joint request by the learned Counsel appearing for the parties, C.R.A. is taken up for hearing.

2. Heard Mr. Patel, learned Counsel for the applicants and Ms Mailagir, learned Counsel for the respondents.

3. Learned Counsel for the parties have tendered consent terms dated 16.07.2018 duly signed by the applicants and their Advocates and by respondent No.4 for himself and as Constituted Attorney of respondents No.1 to 3 as also Advocate for the respondents. Along with the consent terms, copy of the plan showing position of the suit premises is enclosed as exhibit-A; location plan of suit premises i.e. flat No.10

marked in green colour and flat No.10A marked in red colour is enclosed as exhibit-B; Power of Attorney given by respondents No.1 to 3 in favour of respondent No.4 is also enclosed. Consent terms along with exhibits-A, B and Power of Attorney are taken on record and marked 'A Colly.' for identification. Mr. Patel has tendered photocopy of Aadhar Card of applicant No.3-Nilesh Dinubhai Patel, which is taken on record and marked 'B' for identification. Mr. Patel submits that applicant No.2 is resident of U.K. and she has given Power of Attorney to her husband Atul Ramanbhai Patel, which is taken on record and marked 'C' for identification. He submits that Atul Ramanbhai Patel is present in the Court. He has tendered photocopy of his passport, which is taken on record and marked 'D' for identification. Applicant No.1 has given Irrevocable Power of Attorney to Mr. Atul Ramanbhai Patel. The same is taken on record and marked 'E' for identification.

4. Ms Mailagir submits that respondent No.4 is present in the Court. She has tendered photocopy of his Aadhar Card, which is taken on record and marked 'F' for identification. Learned Counsel for the parties submit that the suit premises is flat No.10 admeasuring 926 sq.ft. carpet area situate on 2nd floor, plot No.274, Jethwa Niwas , Jawahar Nagar, Goregaon (West), Mumbai 400 062.

5. Under the consent terms, parties have agreed to bifurcate flat No.10 in flat No.10 and flat No.10A. It is agreed between the parties that flat shown as flat No.10 will be retained by the applicants and flat No.10A will be retained by the respondents. Parties admit and confirm the correctness of the consent terms. Learned Counsel appearing for the parties further submit that the consent terms entered into between the parties does not affect rights of any person who is not party to the consent terms. After perusing the consent terms, I am satisfied that the

controversy between the parties is lawfully settled in terms of the consent terms. The impugned orders stand substituted in terms of the consent terms and the decree shall be drawn accordingly. Undertaking given by the parties is accepted. Rule is made absolute in the aforesaid terms with no order as to costs.

6. In view of the disposal of the main C.R.A., Civil Application No.196 of 2017 for expeditious disposal of the C.R.A. does not survive and the same is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab