

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 709 OF 2012

Mr. Mukesh Ravji Gala

...Applicant

Versus

Smt. Manjula Jawahar Vora

And Ors.

...Respondents

.....

Mr.Yogendra M. Kanchan, Advocate for the Applicant.

Mr.Sunil Jawahar Vora, proposed respondent No.1(c) is present in person.

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CORAM : R. G. KETKAR, J.

DATE : 10th AUGUST, 2018

P.C.

1. Heard Mr.Yogendra Kanchan, learned counsel for the applicant and Mr.Sunil Jawahar Vora, the proposed respondent No.1(c) appearing in person.
2. Mr. Kanchan and respondent No.1(c) jointly pray for taking C.R.A. for hearing. They have tendered Consent Terms dated 9.8.2018 duly signed by the applicant – Mukesh Ravji Gala and respondents No.1(a) and 1(b) through their Power of Attorney holder Shri Sunil Jawahar Vora (respondent No.1(c)) and also signed by respondent No.1(c). Along with the consent terms (i) photo-copy of Aadhaar card of the applicant, (ii) photo-copy of Special Power of Attorney dated 9.8.2018, (iii) photo-copies of Aadhaar card as also PAN card of respondent No.1(a), (iv) photo-copies of Aadhaar card as also PAN card of respondent No.1(b) and (v) photo-copies of Aadhaar card as also PAN card of respondent No.1(c) are enclosed. The Consent Terms along with annexures is taken on record and marked 'A collectively' for identification. Under the consent terms, respondents No.1(a) to

1(c) have agreed not to execute the eviction decree passed by the Courts below and have further agreed to withdraw R.A.E. Suit No.484/1029 of 1994. The applicant has agreed to pay Rs.20 Lakhs towards full and final settlement of the claims of respondents No.1(a) to 1(c) including the claim for possession of Flat No.M/1, First Floor, Ganesh Bhuvan, 276, Telang Road, Matunga, Mumbai – 400 019. Respondent No.1(c) confirms receipt of Cheque No.462329 dated 8.8.2018 drawn on Indian Bank, Matunga Bazar Branch in favour of respondent No.1(c) which is subject to realization of said cheque.

3. Mr. Kanchan states that the applicant is present in the Court today. The parties admit and confirm the correctness of the consent terms and submit that as the controversy between the parties is lawfully settled in terms of the consent terms, C.R.A. may be disposed of accordingly. They further state that the rights of any third person who is not party to the proceedings are not affected by this consent terms.

4. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. The decree passed by the Courts below stand substituted by the Consent Terms. Civil Revision Application is disposed of in terms of the consent terms. It is expressly made clear that in the event the cheque issued by the applicant is not cleared, C.R.A. shall stand revived without further reference to the Court. Rule is made absolute in terms of the consent terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)