

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 12182 OF 2017

Behram Sam Gheesta

...Petitioner

Versus

The Funds And Properties Of Parsi Panchayat
And Ors.

...Respondents

....

Mr. Tushar Dahibawkar i/b. Dahibawkar & Co. for the Petitioner.
Ms. Radhika Nair i/b. Jayakar & Partners, for Respondents No.1 to 8.

....

CORAM : R. G. KETKAR, J.

DATE : 18th JUNE, 2018

P.C.

1. Heard Mr. Tushar Dahibawkar, learned counsel for the petitioner and Ms. Radhika Nair, learned counsel for respondents No.1 to 8, at length.

2. The petitioner and respondents No.1 to 8 have tendered the consent terms dated 18.6.2018 duly signed by the respective parties as also the learned Counsel appearing for the parties. Along with the consent terms, the Power of Attorney given by the Trustees of respondent No.1 in favour of Ms. Mugdha Mahendra Sawant is enclosed authorizing her to represent them and sign the consent terms on behalf of the Trustees of the first respondent.

3. Under the consent terms, the petitioner has agreed and

undertaken not to claim any right, title and interest in respect of Flat No.A/20, Godrej Baug, Off. Napean Sea Road, Mumbai – 400 026 (for short, 'suit premises') upon respondents No.1 to 8 agreeing and undertaking to allot the suit premises to his son Mr. Fraveshi Gheesta purely on leave and license basis. Along with the consent terms, draft of the leave and license agreement to be executed by respondents No.1 to 8 and Mr. Fraveshi Gheesta, son of the petitioner, as also the Power of Attorney given by respondents No.1 to 8 in favour of Ms. Mugdha Mahendra Sawant, are enclosed. The consent terms along with draft leave and license agreement as also the Power of Attorney is taken on record and marked “A Collectively”, for identification.

4. Mr. Dahibawkar states that the petitioner along with his son Mr. Fraveshi Gheesta is present in the Court. Mr. Fraveshi Gheesta has agreed to accept the suit premises on leave and license basis from respondents No.1 to 8. He has tendered the photo-copies of their PAN cards, which are taken on record and marked “B Collectively”, for identification.

5. Ms. Nair states that Ms. Mugdha Mahendra Sawant, the Power of Attorney Holder of respondents No.1 to 8 is present. Ms. Nair has tendered a photo-copy of her PAN card, which is taken on record and marked “C”, for identification.

6. The parties admit and confirm the correctness of the consent terms. The learned Counsel appearing for the parties submitted that the Petition may be disposed of in terms of the consent terms.

7. After perusing the consent terms and after hearing the learned Counsel appearing for the parties, I am satisfied that the controversy between the parties is lawfully settled in terms of the consent terms. The parties have agreed not to act upon the orders dated 26.10.2015 passed by the Competent Authority, Konkan Division, Mumbai and the order dated 3.8.2017 passed by the Additional Commissioner, Konkan Division, Mumbai. The learned Counsel for the parties assure that they will get registered the leave and license agreement executed between respondents No.1 to 8 and Mr. Fraveshi Gheesta within six months from today.

8. In view thereof, the Petition is disposed of in terms of the consent terms. Undertakings given by the respective parties are accepted.

9. List the Petition for reporting compliance after seven months. Order accordingly.

(R. G. KETKAR, J.)