

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2438/2013
WITH
CIVIL APPLICATION (ST) NO.14843/2017

Ranjana Rajaram Shivale & Ors. ... Petitioners

V/s.

Dashrath Laxman Adhav & Anr. ... Respondents

Mr. A. B. Tajane for the Petitioners
Mr. Netesh S. nevashe for Respondent No.1.

CORAM: K.K. TATED, J.

DATED : JANUARY 23, 2019

P.C. :

1 Heard. After arguing for some time, the learned counsel for the parties filed consent minutes of order dated 23.01.2019 duly signed by them. The consent minutes of order are taken on record and marked "X" for identification, which read thus:

"CONSENT MINUTES OF ORDER

The Petitioners Original Defendant No.1, 3 to 5 and Respondent No.1 Original Plaintiff in RCS No.4584 of 2012 (Old SCS No. 484 of 2009) have agreed to the following consent terms.

1. By consent of both the parties the impugned order dated 28.11.2011 passed by the Learned CJSD Pune below exhibit 30, order dated 14.09.2012 passed by the Learned CJSD Pune below exhibit 34, order dated 04.12.2012 passed by the Learned CJSD Pune below exhibit 41 and

order dated 01.01.2013 passed by the Learned CJSD Pune below exhibit 45 in Regular Civil Suit No. 4584 of 2012 (Old Special Civil Suit No. 484 of 2009) are set aside.

2. The Application exhibit 30, 41 and 45 are allowed subject to payment of cost of Rs. 1,500/- to be paid to Respondent No. 1 original Plaintiff till 31.01.2019.

3. Time to file the WS is extended till 07.02.2019. The Defendants to cross examine the Plaintiff witness on or before 14.02.2019.

4. Both the parties will not seek any adjournment in the suit and the suit to be decided on or before 30.06.2019 on its own merits.

5. If the cost is not paid to the Plaintiff on or before 31.01.2019 above order will stand and Writ Petition No. 2438 of 2013 will stand dismissed without further reference to the Court.

6. All concerned to act on the authenticated copy of this order.”

2 The Writ Petition stands disposed of in terms of the consent minutes of order.

3 The learned counsel for the Respondent submits that he has received costs of Rs.1500/-. The statement is accepted.

4 In view of the above, the Civil Application stands disposed of as infructuous.

5 Interim relief, if any, stands vacated.

(K. K. TATED, J.)