

DDR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 281 OF 2018
WITH
CIVIL APPLICATION NO. 368 OF 2018
IN
APPEAL FROM ORDER NO. 281 OF 2018**

Bhavarlal T. Sharma ..Appellant
vs.
Pandurang Laxman Bhandari ..Respondent

....
Ms. Sukeshi Bhandari for appellant.
Mr. Shreepad Murthy a/w. Mr. Abhishek Patil for respondent.

....
CORAM : M.S.KARNIK, J.

DATE : 8th JULY, 2019

P.C. :

Heard learned counsel for the appellant – original
defendant and learned counsel for respondent – original
plaintiff.

2. The matter was argued for sometime on last
occasion. Thereafter the parties have explored the possibility of
settlement. The parties have amicably resolved their disputes.

The consent minutes of order duly signed by the respective advocates, is tendered and is taken on record and marked as **Exhibit “X”** for identification.

3. The appellant Shri Bhavarlal T. Sharma is present in the Court and is identified by his advocate. The respondent Shri Pandurang Laxman Bhandari is also present in the Court and is identified by his advocate. Both of them have stated that they have signed the consent minutes of order and agreeable to whatever is stated in the consent minutes of order.

4. Learned counsel for the appellant stated that all that has been stated in the consent minutes of order has been explained to the appellant in Hindi as well. The appellant has stated that he has followed and agreeable to whatever is stated in the consent minutes of order. The parties would abide by what is stated in the consent minutes of order.

5. The Appeal is therefore disposed of in terms of the consent minutes of order.

6. The statements made in the consent minutes of order are accepted by the parties.

7. On last occasion it was indicated that subject to payment of some heavy cost this Court was inclined to restore the suit. However, the parties amicably settled the matter and have filed the consent minutes of order. This Court had indicated that the cost which were then to be imposed should be paid over to some voluntary social organisation. Now as the matter is settled and possession of the flat in question is being handed over by the appellant to the respondent in terms of the consent minutes of the order, the respondent who is personally present in the Court graciously instructed Shri Murthy that the cost which was proposed on the last occasion to be payable to some social organization by the appellant, will be borne by the respondent.

8. In this view of the matter, the respondent submits that he will voluntarily pay a sum of Rs.1,00,000/- (Rupees one

lakh only) to Baapnu Ghar, Worli, Mumbai and Rs.1,00,000/- (Rupees one lakh only) to Bai Sakerbai Dinshaw Petit Hospital, Parel, Mumbai, C/o. Bombay Society for the Prevention of Cruelty to Animals.

9. The Appeal is disposed of in the above terms.

10. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of.

(M.S.KARNIK, J.)