

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

CIVIL APPLICATION (ST) NO.10894 OF 2019

IN

CIVIL APPEAL NO.07 OF 2015

IN

REGULAR CIVIL SUIT NO.21 OF 2008

Kashi Tandel

... Appellant

Vs

Nitin Durlabh Tandel & Ors

... Respondents

...

Advocate Sangita A. Musle for the Appellant.

Advocate Swapnil R. Patil for the Respondent No.1 and 2.

CORAM : SANDEEP K. SHINDE J.

DATE : APRIL 11, 2019

P.C. :

Not on board. Taken on board.

1. Learned Counsel for the appellant seeks leave to delete the respondents no.3 and 4 from the cause title of the appeal memo. Leave is granted, amendment to be carried out, forthwith. Parties to the appeal i.e. appellant and respondent no. 1 and 2 have settled the disputes and recorded the consent terms on 13th March, 2019.

2. The appellant is present through her Constituted Attorney, Mr. Vickykumar Haribhai Tandel who is identified by his Advocate. A copy of Power of Attorney dated 21st February, 2019 is taken on record and marked as Exhibit 'X' for identification. Vide Clause 11(a) of the Power of Attorney, appellant has authorized her constituted attorney to settle and withdraw the Second Appeal Stamp No.30820/2016. Mr. Vicky Kumar H. Tandel constituted attorney of the appellant and the respondents no. 1 and 2 are present in the court. Copy of consent terms is taken on record marked as Exhibit 'X-1' for identification. Appellant and the respondents have signed the consent terms and have admitted the contents of it.

3. In view of consent terms dated 13th March, 2019, the appeal is disposed of as withdrawn. The Civil Application is accordingly disposed of.

4. On instructions, the learned counsel for the applicant does not press the Civil Application (Stamp) No.10894 of 2019. Thus, it is disposed of as withdrawn.

5. Civil Application Stamp No. 13594 of 2017 is for restoration of appeal which was dismissed in view of order dated 21st March, 2017 passed by Registrar Judicial-II. That for the reasons stated in the application the order dated 21st March, 2017 is recalled and delay caused in preferring the application is condoned. Since the parties to the appeal have settled the disputes and recorded the consent terms on 13th March, 2019. Application is allowed in terms of prayer clause (a) and (b).

(SANDEEP K. SHINDE, J.)