

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

**SECOND APPEAL NO.150 OF 2017
WITH
CIVIL APPLICATION NO.353 OF 2017**

Shri Tulsidas D. More and Ors. ... Appellants
Vs
Sau. Kanta H. Nimbalkar ... Respondent

...
Mr. P.N.Joshi for the Appellants/Applicants.
Ms. Neelam Yadav I/by Ms. Smita Gaidhani for the Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 30 JANUARY, 2019

P.C. :

Plaintiffs in the Special Civil Suit No.75 of 2011 have preferred this appeal. The suit was for the specific performance of the contract which was decreed by the trial Court vide judgment and order dated 25th November, 2015. This decree was challenged in the Regular Civil Appeal No.3 of 2016 by the defendant. The appellate Court vide judgment and order dated 17th January, 2017 reversed the decree of the trial Court against which this Second Appeal is preferred by the original plaintiffs.

2 *Pending this appeal on 20th January, 2016, defendant sold the suit property to Nitin Lahanu Bhagwat and as such, impleaded him as respondent no.2 in this appeal.*

3 *Parties have compromised the suit and arrived at Consent Terms recorded as on 30th January, 2019. Parties to the appeal are present in the Court. They admit execution and the contents of the Consent Terms. Consent Terms are marked 'X' for Identification and taken on record. Parties to the appeal are identified by their respective advocates and by their Adhar cards which are taken on record and marked 'X-1' Collectively for Identification.*

4 *Appeal is disposed of in terms of the Consent Terms and decree be drawn up accordingly . Since the appeal itself is disposed of , Civil Application therein does not survive and stands disposed of accordingly.*

5 *Ms. Smita Gaidhani, advocate undertakes to file vakalatnama within two weeks from today for and on behalf of the respondents. Undertaking is accepted.*

6 *Refund of the Court-fees as per rules.*

Parties to act upon an authenticated copy of this order.

(SANDEEP K. SHINDE, J.)

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

CIVIL APPLICATION NO.1057 OF 2017

IN

SECOND APPEAL NO.150 OF 2017

Shri Tulsidas D. More and Ors. ... Applicants

Vs

Sau. Kanta H. Nimbalkar ... Respondent

...

Mr. P.N.Joshi for the Appellants/Applicants.

Ms. Neelam Yadav I/by Ms. Smita Gaidhani for the Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 30 JANUARY, 2019

P.C. :

Heard the learned counsel for parties.

2 For the reasons stated in the application, application is allowed in terms of prayer clause (a). Consequential amendment to be carried out forthwith.

(SANDEEP K. SHINDE, J.)