

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

WRIT PETITION NO.9487 OF 2019

Prabha Dhirajlal Vira		
And Others	...	Petitioners
Versus		
Bhalchandra Krishna Patil		
And Others	...	Respondents

.....

Mr. Rajan V. Thakkar for the Petitioners.
Mr. J.S. Kini i/b Ms Sapna S. Krishnappa for the Respondents.

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CORAM : S.C. GUPTE, J.

DATE : 30 SEPTEMBER 2019

P. C. :

. Heard learned Counsel for the parties.

2 This writ petition challenges an order passed by the Court of Small Causes at Mumbai on an application of the Petitioners (original defendant nos.2a to 2c, 10, 12 and 18) directing the Respondents (original plaintiffs) to lead evidence for determination of the price of additional area. The application arose out of consent terms filed between the parties in the suit. The application was by way of MARJI Application in execution. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned order of the trial court may be set aside and substituted by

an order permitting the applicants of the MARJI Application, namely, defendant nos.2a to 2c, 10, 12 and 18, to lead evidence for determination of the price of the additional area to be paid by these defendants to the plaintiffs in accordance with the consent terms dated 16 June 2010, filed before the court in R.A.E. Suit No.467/693 of 2010. The applicants/defendants may lead their evidence of price first; the plaintiffs, thereafter, may lead their evidence, if they so desire. The Court of Small Causes at Mumbai is requested to dispose of the execution application of defendant nos.2a to 2c, 10, 12 and 18 after allowing the parties to lead evidence as expeditiously as possible and preferably within a period of six months from today. Either party may bring this order to the notice of the trial court by producing an authenticated copy of this order. The writ petition is, accordingly, disposed of.

(S.C. GUPTE, J.)