

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

CIVIL REVISION APPLICATION NO. 570 OF 2015

Ramshiromani Satyanarayan Mishra ...Appellant
vs.
Satyanarayan Rajaram Mishra (since deceased)
1(a) Mrs.Seema wd/o. Devisewak Mishra & Ors. ...Respondents

Mr.Satyan N. Vaishnav with Nupur J. Mukherjee i/b. N.N. Vaishnawa & Co. for Appellant.
Mr.N.J. Devashrayee for Respondent Nos.1(a) to 1(g).
Mr.Vijay Prakash Mishra, Respondent No.1(d) present in person.

CORAM : S.C. GUPTE, J.

DATE : 27 SEPTEMBER 2019

P.C. :

This civil revision application challenges an appellate order of the Court of Small Causes at Mumbai.

2 The parties have arrived at consent terms, except Respondent Nos.1(h) and 1(i). The parties to the consent terms are legal heirs of deceased original tenant. The controversy concerns transmission of tenancy. Even before the appeal court, the parties had tendered consent terms. The consent terms, however, were not taken on record by the appeal court purportedly on the ground that the other family members had not given consent and that the terms also did not indicate any consent on the part of the landlord. Whether or not the other members of the family have given their consent and whether or not the landlord accedes to the consent terms, there is no difficulty in the consent terms going through. The consent terms, after all, could only bind those members of the family, who were originally claiming transmission and who were parties to the consent terms. The controversy in the suit only concerned them and to the extent of such controversy, the terms should have been taken on record. The parties

have anyway executed fresh consent terms on the same lines in the present CRA.

3 The consent terms are taken on record and marked "X" for identification. The presence of the parties, except Respondent No.1(d), was noted on the last occasion and dispensed with for today's hearing. Respondent No.1(d) is present today and affirms the terms. The statements and undertakings contained therein are accepted. The civil revision application is disposed of in terms of the consent terms. No order as to costs.

(S.C. GUPTE, J.)