

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

SECOND APPEAL NO.828 OF 2006

Shaikh Abdul Rafik and Ors. ... Appellants

Vs

Shri Padmakar Dattatray Kamekar and Ors. ... Respondents

...

Mr. Drupad S. Patil for the Appellants.

Mrs. Seema Sarnaik for the Respondent Nos.1/2 and 1/3.

CORAM : SANDEEP K. SHINDE J.

DATE : APRIL 22, 2019

P.C. :

Not on board. Taken on board.

Parties to the appeal have resolved the disputes and recorded the Consent Terms on 22nd April, 2019. A copy of the Consent Terms is taken on record and marked 'X' for **Identification**. Pending appeal, appellant no.1 died and his legal representatives were brought on record who are Respondent Nos.1A to 1D. Appellant No.2 also died and her legal representatives were brought on record as per the order dated 8th March, 2010. It appears that the appellant no.1 was only legal representative of the appellant no.2.

2 Pending appeal, respondent no.1/1 died on 11th October, 2004. Her legal representatives, i.e., Respondent Nos.1/2 and 1/3 are already on record. Respondent No.1/2 is present. In view of this, the learned counsel for the appellants seeks leave to delete and carry out consequential amendment forthwith. Leave granted.

3 Appellant Nos.1A, 1B and 1C are present in person. They are identified by their Adhar Cards and by their advocates. Respondent No.1D is represented through her constituted attorney. Vide Clause 2(a) of the said Power of Attorney, Respondent No.1D has empowered her constituted attorney to compromise the suit claim in Second Appeal No.828 of 2006. Certified true copy of the Power of Attorney dated 11th May, 2018 is taken on record and marked **'X-1' for Identification.**

4 Under the Consent Terms, appellant nos.1 to 3 have given Undertaking in terms of Clause 4(ii), (iii), (iv), (vii), (ix), (x) and (xiv). Appellants admit it. Undertaking as stated hereinabove is accepted.

5 That in view of the Consent Terms, appeal stands disposed of as withdrawn. Appellants may apply for refund of Court-fees, if entitled, as per the Rules.

(SANDEEP K. SHINDE, J.)