

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.359 OF 2018

Radhakishan R. Dayama (since deceased)
through legal heirs Girdhari R. Dayama and another ... Applicants
Vs.
Vrajlal Kewaldas (decd) and others ... Respondents

Mr. P. J. Thorat for Applicants.
Mr. Hemant Ingle for Respondent No.4.
Mr. Vilas Jadhav for Respondent No.7.

CORAM : R. G. KETKAR, J.
DATE : MAY 2, 2019

P.C. :

Not on Board. At the request of the learned Counsel for the parties, taken up in the production Board.

2. Heard Mr. Thorat, learned Counsel for the applicants, Mr. Ingle, learned Counsel for the respondent No.4 and Mr. Jadhav, learned Counsel for the respondent No.7.

3. This C.R.A. takes exception to the judgment and decree dated 08.06.2004 passed by the learned Judge, Court Room No.20 of the Court of Small Causes at Bombay in R.A.D.Suit No.5135 of 1983 as also the judgment and decree dated 31.03.2018 passed by the Appellate Bench of the Small Causes Court at Mumbai in (2b-ii) Appeal No.557 of 2004. The learned Counsel for the parties have tendered the consent terms dated 02.05.2019 duly signed by the applicants No.1(a) and 1(b) as also their Advocate, respondent No.4 and their Advocate as also respondent No.7(a)(a) to 7(a)(c) as also their Advocate. The same is taken on record and marked 'A' for identification.

4. Mr. Thorat states that applicants No.1(a) and 1(b) are present in the Court. They have tendered photocopies of their Aadhar Cards, which are taken on record and marked 'B colly.' for identification. Mr. Ingle states that Mr. Jugraj Khimraj Jain and Mr. Sankesh Jugraj Jain, Designated Partners of respondent No.4 - M/s. Shank Creations LLP are present in the Court. He has tendered photocopies of their Aadhar Cards, which are taken on record and marked 'C colly.' for identification. Mr. Jadhav states that respondents No.7(a)(a) to 7(a)(c) are present in the Court. He has tendered photocopies of their Aadhar Cards, which are taken on record and marked 'D colly.' for identification. Upon taking instructions, learned Counsel for the parties state that no rights of third parties who are not before the Court are affected. Third parties have also not instituted any proceeding in any Court of law in respect of the property in dispute in the present Application. The statements made on instructions are recorded.

5. The parties admit and confirm the correctness of the consent terms. The learned Counsel for the parties submit that C.R.A. may be disposed of in terms of the consent terms. The consent terms provide for tenants surrendering and relinquishing their right, title, share, interest and benefit in the tenancy rights in respect of the suit premises in favour of the respondent No.4 upon payment of consideration set out in paragraph 10(b) of the consent terms.

6. After perusing the consent terms, I am satisfied that the controversy between the parties is lawfully settled. In view thereof, C.R.A. is disposed of in terms of the consent terms. Decree shall be drawn accordingly.

(R. G. KETKAR, J.)