

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 22 OF 1999

Jalil Shaikh Ahamad Desai
and Ors.

.....Applicants

V/s.

Janardhan Govind @ Aba Khatu
(since deceased thr. LRs) Ashok
Janardan Khatu and Ors.

....Respondents

* * * *

Mr. S.M. Railkar, Advocate for the applicants

Mr. S.B. Shetye, Advocate for the respondents.

CORAM : SANDEEP K. SHINDE, J.

Friday, 18th January, 2019.

P.C. :

1. This Appeal is preferred by the plaintiffs in Special Civil Suit No. 145 of 1997 whereby their suit for perpetual injunction was dismissed by the trial Court vide judgment and decree dated 3rd December, 1993.

2. The plaintiffs thereafter carried the decree of the trial

Court in Appeal in Regular Civil Appeal No. 1 of 1994 which was dismissed by the Joint District Judge, Ratnagiri on 7th September, 2018.

3. It is against the decree passed in Regular Civil Appeal No. 1 of 1994 the present Second Appeal is preferred.

4. The Appeal came to be admitted by this Court vide order dated 2nd February, 2019.

5. The learned counsel for the parties submitted that the dispute is settled and the parties have arrived at consent terms. The consent terms were executed by the parties on 18th January, 2019. Appellant no.1 is present. Appellant no.2 who is holding the Power of Attorney for other appellants is present. Defendant no.1a is present. Vijay Khatu, Power of Attorney holder on behalf of respondent no.1a is present. The parties are identified by their respective advocates. The Aadhar Card of appellant no.1, appellant no.2 and the Power of Attorney Holder, Vijay Card is taken on record and marked X for identification.

6. The consent terms are taken on record and marked X-1 for identification. The parties to the appeal admit the

contents of the consent terms.

7. In view of the consent terms, the Appeal is disposed of.

(SANDEEP K. SHINDE, J)