

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

FIRST APPEAL NO. 688 OF 1999

Rodrigues Construction & Anr.

..... Appellants.

Vs.

Hansa K. Dedhia

..... Respondent

.....
Mr. Nigel Quraishy for the Appellants.
Mr. Suresh Nagvadaria for Respondent.

.....

CORAM : K.K.TATED, J.
DATED : AUGUST 2, 2019

P.C.

1 Not on board. At the request of advocate for the Appellant, matter is shown on production board for urgent orders.

2. Heard Learned Counsel for the parties.

3. Both the Counsel submit that, they have filed consent terms in Suit No. 108193 of 1984 in Bombay City Civil Court, Bombay. They submit that in view of filing consent terms in that Suit, nothing survives in the present First Appeal.

4. The advocate Mr. Quraishy for the Appellants submits that in view of the consent terms filed in the Suit No. 108193 of 1984, the Appellant may be permitted to withdraw the First Appeal unconditionally. To that effect he has

given in writing and the same is taken on record and marked as 'X' for identification. The same is accepted. For this Advocate appearing on behalf of the Respondent has no objection.

5. By consent of both the parties, the following order is passed:

- a. The Appellants are permitted to withdraw the sum of Rs. 22,900/- deposited by them in the Bombay City Civil Court, Bombay on or before 18th September, 2019 with accrued interest without furnishing any security.
- b. The First Appeal is disposed of as withdrawn
- c. No order as to costs.

(K.K.TATED, J.)