

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

WRIT PETITION NO.4763 OF 1998

Harditsingh Kartarsingh (dead) ...Petitioners
through LRs.

1 A.Smt.Rajinder Kaur Hardit Singh & ors.

Versus

Harjitsingh Jagatsingh Sud (dead) ...Respondents

1 A Smt. Kulwantkaur Harjitsingh Sud & ors.

Mr.Sachin Dhakepalkar for the petitioners.

Mr.Kishor S. Patil for respondent no.1A.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 21st JUNE 2019.

P.C. :

1. It is a dispute between the landlord and the tenant. First, the tenant filed Regular Civil Suit No.118 of 1985 before the Court of Civil Judge, Junior Division, Bhiwandi against the landlord for declaration and perpetual injunction. Later in 1988, the landlord filed R.C.S. No.552 of 1988 in the Court of Civil Judge, Senior Division, Thane, for possession and arrears of rent. We are not concerned with the landlord's suit.

2. In March 1997, the trial Court dismissed the tenancy suit. Aggrieved, in July 1997, the tenant filed Civil Appeal No.107 of 1997. In March 1998, the Appellate court, partly allowed the appeal with proportionate costs. Then, the landlord filed this writ petition.

3. Pending this writ petition, both the landlord and the tenant died and in their places their legal representatives have come on record.

4. Now, both the counsel for the petitioners and the respondents are present. They have filed the consent terms and want this Court to record them and close the writ petition.

5. Both the learned counsel on either side have informed me that the parties have decided to close this writ petition and to withdraw all other litigation, including the suit filed by the landlords.

6. The counsel submit that petitioner no.1B and respondent no.1A hold the power of attorney for other parties and they both are present before this Court.

7. Under these circumstances, I reckon that nothing further survives in this writ petition. Therefore, I record the consent terms as part of this order and close the writ petition as having been settled.

8. The consent terms are taken on record and marked as “**x**”
for identification.

9. Writ Petition is, accordingly, closed.

Vina A.
Khadpe
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Vina A.
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[DAMA SESHADRI NAIDU, J.]