

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL REVISION APPLICATION NO.944 OF 2014

Keshav Vinayak Kelkar	]	Applicant
Vs.		
Pushpa Jagannath Kandpile and others.	]	Respondents

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Mr. Vikram V. Pai a/w Vinay Bhate, for the Applicant.
Mr. Sahil Gulabani a/w Rizwan Shaikh i/b Ajit J. Kenjale, for the Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 15TH FEBRUARY, 2019.

P.C.

Heard Mr. Pai, learned Counsel for the applicant and Mr. Gulabani, learned Counsel for the respondents at length.

2. Learned Counsel for the parties have tendered Consent Terms dated 14th February, 2019 duly signed by the applicant and his Advocate as also by respondent No.1, respondent No.2, respondents No.3(a) to 3(c) and their Advocates. Along with the Consent Terms, photo copies of Aadhar Card of the applicant, respondents No.1, respondent No.2 and respondents No.3(a) to 3(c) are enclosed. The Consent Terms along with photo copies of Aadhar Card are taken on record and marked 'A' Colly for identification.

3. Mr. Pai states that son of the applicant Shashidhar Keshav Kelkar is present in the Court. He has tendered photo copy of his Aadhar Card, which is taken on record and marked 'B' for identification. Mr. Gulabani states that respondent No.2 and respondents No.3 (a) to 3(c) are present in the Court.

The respondents agreed to pay to the applicant a sum of Rs.10,00,000/- by demand draft dated 14th February, 2019 drawn on Abhudyaya Co-operative Bank Ltd., Panvel Branch. Clause (2) of the Consent Terms provides that the applicant has undertaken to hand over vacant and peaceful possession of the suit premises viz; Ground Floor Commercial Gala admeasuring (20x22 square feet) i.e 440 square feet bearing House No.1356 A situate at CTS No.1356 A of Village Panvel within the jurisdiction of Panvel Mahanagar Palika on or before 15th March, 2019.

4. The parties admit and confirm the correctness of the Consent Terms. Learned Counsel for the parties submit that C.R.A may be disposed of in terms of the Consent Terms.

5. After perusing the Consent Terms, I am satisfied that controversy between the parties is lawfully settled in terms of the Consent Terms. In view thereof, impugned orders are substituted by the Consent Terms. Decree shall be drawn accordingly. Undertaking given by the applicant in clause (2) of the Consent Terms is accepted. C.R.A. is disposed of in terms of the Consent Terms. Rule is discharged with no order as to costs.

6. The applicant is permitted to withdraw the amount deposited in this Court till date as per the order dated 26th October, 2015 passed by this Court in the C.R.A.

7. **List the C.R.A for reporting compliance on 25th March, 2019.**

[R.G. KETKAR, J.]