

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL REVISION APPLICATION NO.588 OF 2017

Prakash Theodore Bangera	]	Applicant
Vs.		
Elias Gasper Pereira	]	Respondent

.....

Mr. Ubaid Ahmed Ghawte, learned Counsel for the Applicant.
Mr. V.E. Pereira, learned Counsel for the Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 22ND APRIL, 2019.

P.C.

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

2. Heard Mr. Ghawte, learned Counsel for the applicant and Mr. Pereira, learned Counsel for the respondent.

3. Learned Counsel for the parties have tendered consent terms dated 22nd April, 2019 duly signed by the petitioner, Constituted Attorney of the respondent and their Advocates, which are taken on record and marked 'A' for identification.

4. Mr. Ghawte submits that the petitioner 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. Pereira states that the respondent is present

in the Court. He has tendered photo copy of his "Aadhar Card" which is taken on record and marked 'C' for identification.

5. Mr. Ghawte submits that the petitioner has handed over possession of the suit premises to the respondent. Mr. Pereira confirms the said fact. The petitioner admits and acknowledges that the respondent has paid a sum of Rs.2.50 lac to the petitioner by Pay Order No.19/19-20 drawn on Citizen Co-operative Bank Ltd., Vikhroli (West), Mumbai 400 079 as and by way of inducement.

6. Learned Counsel for the parties submit that the consent terms do not affect rights of any party who is not before this Court. No proceedings are pending in any Court claiming interest in the suit premises. The statements made by the learned Counsel for the parties, on instructions, are recorded.

7. In view thereof, Mr. Ghawte seeks permission to withdraw the Application unconditionally and accepts correctness of the order dated 18th August, 2017 passed by the Appellate Bench of the Court of Small Causes at Mumbai.

8. The petitioner has no objection for respondent withdrawing the amount deposited by him in this Court. In view thereof, the respondent is permitted to withdraw the amount so deposited by the petitioner in this Court unconditionally.

9. In view thereof, the Petition is disposed of in terms of the consent terms. Rule is discharged with no order as to costs.

10. All the parties, including the Registry, to act upon the authenticated copy of this order.

[R.G. KETKAR, J.]