

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.84 OF 2018

M/s. Gera Developments Pvt. Ltd. ... Appellant
 Versus
 Mrs. E. P. Badri Narayanan & Anr. ... Respondents

Mr. A. D'Silva, Advocate for the Appellant.
 Mr. A. Kantak and Mr. R. Kantak, Advocates for the Respondents.

AND

FIRST APPEAL NO.85 OF 2018

M/s. Gera Developments Pvt. Ltd. ... Appellant
 Versus
 Mrs. B. Chitra & Anr. ... Respondents

Mr. A. D'Silva, Advocate for the Appellant.
 Mr. A. Kantak and Mr. R. Kantak, Advocates for the Respondents.

AND

FIRST APPEAL NO.158 OF 2018

Mrs. E. P. Badri Narayanan & Anr. ... Appellants
 Versus
 M/s. Gera Developments Pvt. Ltd. ... Respondent

Mr. A. Kantak and Mr. R. Kantak, Advocates for the Appellants.
 Mr. A. D'Silva, Advocate for the Respondent.

AND

FIRST APPEAL NO.159 OF 2018

Mrs. B. Chitra & Anr. ... Appellants
 Versus
 M/s. Gera Developments Pvt. Ltd. ... Respondent

Mr. A. Kantak and Mr. R. Kantak, Advocates for the Appellants.
Mr. A. D'Silva, Advocate for the Respondent.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date:- 12th June, 2020

P.C.

Mr. A. D'Silva appears for M/s. Gera Developments, the Appellant in First Appeal Nos.84 of 2018 and 85 of 2018. Mr. A. Kantak appears for Mr. Badri Narayanan and his wife, Respondents in these two appeals.

2. Mr. Kantak appears for Mr. Badri Narayanan and his wife, who are Appellants in First Appeal Nos.158 of 2018 and 159 of 2018 and Mr. D'Silva appears for M/s. Gera Developments which is the Respondent in these two appeals.

3. Today, the learned counsel for the parties hand in the consent terms in First Appeal Nos.84 of 2018 and 85 of 2018. The consent terms are signed by the representatives of M/s. Gera Developments as well as Mr. Badri Narayanan and his wife. The consent terms are also signed by the Advocates for the respective parties.

4. Mr. Badri Narayanan is present in the Court and says that

he is satisfied with the consent terms and has no objection whatsoever for disposal of all these matters on the basis of these consent terms. Mr. Kantak and Mr. Badri Narayanan pray that First Appeal Nos.158 of 2018 and 159 of 2018 may also be disposed of as withdrawn in view of acceptance of the consent terms in First Appeal Nos.84 of 2018 and 85 of 2018.

5. Mr. D'Silva, learned counsel for the M/s. Gera Developments states that the representatives of M/s. Gera Developments had in fact come to the Court and could not come to the actual Court room on account of COVID-19 situation. He however says that he has explained the scope and import of these consent terms to the Appellant and their representatives and they too, urge that these matters be disposed of in terms of the consent terms.

6. According to us, there is no difficulty in accepting the consent terms and disposing of the appeals accordingly. Accordingly, the consent terms are taken on record and First Appeal Nos.84 of 2018 and 85 of 2018 are disposed of in terms of the consent terms which are taken on record and marked as 'X' for the purpose of identification.

7. As per the consent terms, the Respondents i.e. Mr. Badri Narayanan and his wife are entitled to the amounts which M/s. Gera Developments have deposited in the registry of this Court alongwith

interest, if any, which may have accrued thereof. The learned counsel for the parties point out that this is in fact set out in clause 2 of the consent terms. Accordingly, the registry is directed to do the needful and permit Mr. Badri Narayanan and his wife to withdraw such amount at the earliest, without insisting upon any formal application. However, the registry to accept a simple praecipe from the Respondents so that, a proper record is maintained in the registry as well.

8. Mr. Kantak, on the basis of the instructions from Mr. Badri Narayanan and his wife, seeks leave to withdraw First Appeal Nos.158 of 2018 and 159 of 2018. Now that the consent terms have already been accepted, leave is granted and First Appeal Nos.158 of 2018 and 159 of 2018 are also disposed of accordingly.

9. In First Appeal Nos. 158 of 2018 and 159 of 2018, refund of proportionate Court fees, if permissible in terms of Rules, to be granted to the Appellants.

10. All the four appeals are disposed of in the aforesaid terms.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

at*