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

**SECOND APPEAL NO. 606 OF 2006
WITH
CIVIL APPLICATION NO. 188 OF 2007**

Mallesha Shivraya Patil (Decd through LR's)Appellants
Gurushidhawa Shrishail Patil and others

V/s.

Basalingawa Shivraya PatilRespondents
(Decd by LR's) Hanmant Shivraya
Patil and others

**WITH
CIVIL APPLICATION (ST) NO. 8783 OF 2019**

Smt. Basalingawa Shivraya PatilApplicants
(Decd by LR's)

V/s.

Mallesha Shivraya Patil (Decd through LR's)Respondents
Gurushidhawa Shrishail Patil and others

Mr. Umesh R. Mankapure for the appellants
Mr. Milind R. Deshpande for legal heirs of respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 5, 2020.

P.C.

Not on board. Upon production, taken on board.

2] Second Appeal proceedings are arising out of the claim for partition of the ancestral property.

3] For the appellant, Power of Attorney Holder namely Dhundappa Shrishail Patil is personally present and submits that Agreement/Consent terms which are reached, produced in this Court, are explained to him and parties for whom he acts as Attorney, in vernacular in Kannada and Marathi. According to him, contents are understood and admitted by him as it safeguards the interest of the appellants. Similarly, Shantabai Hanmantraya Patil, Power of Attorney Holder for the respondent is personally present and submits that Agreement/Consent terms which are reached, produced in this Court, are explained to her and parties for whom she acts as Attorney, in vernacular in Kannada and Marathi. According to her, contents are understood and admitted by her as it safeguards the interest of the respondents.

4] Both the Power of Attorney Holders are identified by their respective counsel. As such, consent terms are taken taken on record and marked as 'X' for identification.

5] By the said consent terms, appellant and respondent have agreed to share ancestral property equally in terms of the terms entered into.

6] It appears that Agreement entered into is in tune with the requirement under the provisions of Order 23 Rule 3 of the Code of Civil Procedure, 1908.

7] In the wake of above, present Second Appeal stands disposed in terms of consent terms. Let there be Decree in terms of consent terms.

8] As a consequence of disposal of Second Appeal, pending Civil Applications also stand disposed of.

[NITIN W. SAMBRE, J.]