

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
SECOND APPEAL NO. 140 OF 2004  
WITH  
CIVIL APPLICATION NO.848 OF 2006  
IN  
SECOND APPEAL NO. 140 OF 2004  
WITH  
CIVIL APPLICATION NO. 1587 OF 2008  
IN  
SECOND APPEAL NO. 140 of 2004

Chandrakant Shivram Upadhye, since  
deceased, Smt.Paras Chandrakant  
Upadhyay & ors .. Appellants/Applicants

Versus

Vanraj Shant Upadhyay, since deceased  
Smt.Chetanben Vanraj Upadhyay & ors .. Respondents

...

Mr. P.B. Shah with K.P. Shah for the appellants/applicants.

Mr.Sanjay Jain with Ms.Gauri Mestha i/b LJA Law for respondent  
nos.1 A to 1 C, 2A to 2B, 5A to 5C and 6A to 6E.

Mr.Mahesh Rawool for respondent nos.8A to 8D.

CORAM: BHARATI DANGRE, J.

DATED : 2<sup>nd</sup> MARCH 2020

**P.C:-**

1           The long drawn battle between the appellants (original plaintiffs) and the respondents is being put to an end by the Consent Terms drawn by the parties signed on 2nd March 2020.

2           Before accepting the Consent Terms, it would be necessary to allow the substitution of parties i.e. Respondent Nos.2A, 2B, 5A to 5E, 6A to 6E, 8A to 8D, substituting respondent nos.2, 5, 6 and 8 respectively as deceased.

3           Necessary amendment as contained in the Minutes of order dated 2nd March 2020 is granted. Memorandum of Appeal is permitted to be amended during the course of the day.

3           The Consent Terms signed by the appellants vide No.1A, 2, 3, 4, 5 on the one hand and by Respondent Nos.1A, 1B, 1C, 2A, 2B; 5A, 5B, 5C, 5D, 5E; 6A, 6B, 6C, 6D, 6E and respondent nos.8A, 8B, 8C, 8D and 8D are taken on record.

4           Consent terms are also signed by learned counsel Mr.P.B. Shah on behalf of the appellants and Mr.Mahesh Rawool representing Respondent Nos. 1A to 1C, 2A and 2B, 8A to 8D.

*Tilak*

Learned counsel Shri Mahesh Rawool has also tendered his vakalatnama which is accepted and forwarded to the Registry for its registration.

5                Consent terms are taken on record and marked as “X” for identification.

6                The Consent Terms are also accompanied with the Power of Attorney signed by Respondent Nos.5A to 5E, 6A to 6E in favour of Respondent no.1C Mangesh Vanraj Upadhyay. The consent terms are accompanied by Annexure 1 which contain the particulars of the cheque which are signed by Respondent Nos.1B and 1C and the particulars of the cheque are contained in Annexure 1. The cheques, 6 in number, are tendered to the appellants as well as Respondent no.8A and they acknowledge receipt of the said cheques.

7                All the appellants and respondents are present before the Court and they accord their consent and approve of the consent terms signed by them and tendered in this Court today i.e. 2nd March 2020 and agree to abide by the same.

8                In light of the aforesaid Consent terms, the Appeal is withdrawn and is accordingly disposed of.

9           The signatories of the cheques who are present in the Court undertake the responsibility of honoring the cheques tendered by them today in the Court.

10          In terms of disposal of Second Appeal, Civil Applications do not survive and are disposed of accordingly.

**SMT. BHARATI DANGRE, J**