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

WRIT PETITION NO.11202 OF 2019

M/s. Mohitey & Associates

Through its proprietor

Surendra Ganpatrao Mohite

... Petitioner

Versus

Mahaveer Bhujgonda Patil and Ors.

...Respondents

Mr. C. B. Nikte a/w Mr. T. K. Kamble, for the Petitioner.

Mr. A. M. Udane, for the Respondent Nos. 1 and 2.

Ms. C. A. Deshmukh, for the Respondent No.3.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th FEBRUARY, 2020

P.C. :

1. On 13th January, 2020, learned counsel for the petitioner and learned counsel for the respondent nos.1 and 2 had tendered Consent Terms, which were taken on record and marked 'X' for identification. Admittedly, respondent no.3 was not a party to the said Consent Terms and hence the advocate for the respondent no.3 raised an objection with respect to the Consent Terms that were tendered on 13th January, 2020.

2. Today, both, the learned counsel for the petitioner and learned counsel for the respective respondents have tendered fresh Consent Terms

and request that the new Consent Terms dated 4th February, 2020, be taken on record and marked 'X1' for identification. Accordingly, the fresh Consent Terms dated 4th February, 2020 are taken on record and marked 'X1' for identification. All the parties i.e. the Petitioner and Respondent Nos.1, 2 and 3 are present in Court and acknowledge their signatures on every page of the Consent Terms. The Aadhar Cards of the petitioners and the respondents have also been annexed to the Consent Terms (X1). By the said Consent Terms (X1), the Petitioner and all the respondents have amicably settled their dispute *inter se* on certain terms and conditions mentioned in the new Consent Terms, marked as 'X1'. All parties undertake to abide by the said Consent Terms. The undertakings given by the respective parties are accepted.

3. As per clause – 10a., it is agreed between the parties that the Consent Award and Consent Decree dated 13th July, 2019, passed by the learned Presiding Officer, Lok Adalat and learned Civil Judge, Senior Division, Jaisinghpur, in Special Civil Suit No.35 of 2019 be quashed and set aside.

4. In view of the Consent Terms (X1), the impugned order by which the Consent Award and Consent Decree dated 13th July, 2019, was

passed by the learned Presiding Officer, Lok Adalat and learned Civil Judge, Senior Division, Jaisinghpur, in Special Civil Suit No.35 of 2019, is quashed and set aside.

5. Petition is accordingly disposed of on the aforesaid terms.
6. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.