

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.66 OF 2015

FARAIDOOON ASPENDIAR Appellants
OSHTORI, THR. POA FARHANG
KHODAYAR ATAIE AND 3 ORS.,

V/S.

KAIKHOSROW ASPENDIAR Respondents
OSHTORI AND 3 ORS.,

Mr. Sudesh Usgaonkar and Ms. Rosette Pereira, Advocate for the Appellants.

Mr. Ajit R. Kantak, Advocate for the respondent Nos.1 and 2.

Mr. P. A. Kholkar, Advocate for the respondent No.3.

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

Date :- 30th MARCH, 2021.

P.C.:

On 02/03/2021, we made the following order in this matter:

“Heard Ms. R. Pereira for the Appellants and Mr. Ajit Kantak for the Respondents.

2. The learned Counsel for the parties hand in consent terms which are duly signed by the parties. None of the Appellants are present in the Court but one of the Respondents i.e. Shahiyar Oshtori is present in the Court. Mr. Kantak, learned Counsel

appearing for Respondents No.1 and 2 states that Mr. Shahiyar Oshtori holds the power of attorney on behalf of Shahrom Oshtori and his mother Meherbanoo Oshtori.

3. The Respondent No.3 is not represented by any Advocate in this Court. However, the signature of Respondent No.3 appears on the consent terms. Ms. Pereira submits that the Respondent No.3 resides abroad.

4. In the aforesaid circumstances, we feel that it is appropriate that the signature of Respondent No.3 is attested to, in terms of the law.

5. Ms. Pereira states that if the consent terms are returned to her, she will ensure that the needful is done in the context of the signature of Respondent No.3. She states that she will even see if the Respondent No.3 can send an email confirming that he has not only signed these consent terms, but has also understood the import and scope of such consent terms and has thereafter signed the same.

6. In order to enable the parties to do the needful, we adjourn the matter by three weeks.

7. Liberty to apply.

8. The consent terms are returned to Ms. Pereira.”

2. Today, the respondent No.3 is represented by Advocate Mr. P.A. Kholkar. Mr. P. A. Kholkar, learned Advocate states that the respondent No.3 has authorised him to make a statement that the respondent No.3 has read and understood the Consent Terms and has no objection if the same are taken on record and appropriate Consent

Decree is made. Mr. Kholkar, accordingly make such a statement. Besides Mr. Kholkar, learned Advocate hands in a letter dated 06/03/2021 signed by the respondent No.3, in which, this respondent has again stated that he has read and understood the Consent Terms and having agreed to the same, signed the same. A letter is placed on record in this matter.

3. Accordingly, the Consent Terms are now marked 'X' for the purpose of identification and directed to be made a part of the records of this proceedings.

4. On perusal of such Consent Terms, there is no ground not to accept the same or to make a Consent Decree based on the same. The parties have agreed to these terms having stated that they have understood the impact of such terms.

5. Accordingly, this appeal is disposed of by directing them that there shall be a Consent Decree in terms of the Consent Terms.

6. The undertaking in the Consent Terms are accepted as undertaking to this Court and the parties therefore abide by the same.

7. This appeal is disposed of in the aforesaid terms. There shall be no order as to costs.

8. The Civil Application, if any, will not survive on the disposal of the main appeal and even the same is disposed of.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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