

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

WRIT PETITION NO.1283 OF 2013

Jayantilal Tukaram Bhoir since
deceased through his legal heirs

...Petitioners

V/s.

Shri. Vasant Tukaram Bhoir & Ors.

...Respondents

Mr. Saurabh Oka for Petitioners.

Ms. Sandhya Mailagir i/b. Mr. Anil Joshi for Respondents.

CORAM : G. S. KULKARNI, J.

DATE : OCTOBER 26, 2021

PC :

1. This petition was filed on 8 January, 2013. Today learned counsel for the petitioners and respondent no.1/the only contesting respondent have placed on record Consent Terms dated 22 October, 2021 entered between the parties by which it is stated that the disputes and differences between the parties stand resolved.

2. In paragraph 3 of the consent terms, it is specifically set out that the petitioner be permitted to delete respondent nos.2 to 11 as they are formal parties and being the original respondents, they have never challenged the impugned orders. The dispute is in respect of the land bearing Survey No.80 Hissa No. 2(p) admeasuring H-R-P 1-13-05 and Pot Kharaba H-R-P 0-13-05 situated at Mouje Umberde, Tal. Kalyan, Dist. Thane.

3. Respondent no.1 has agreed that he and his legal heirs and/or legal representatives have no right, title or interest in the suit property. Respondent no.1 has also agreed to accept the judgment and order dated 26 August, 1988 passed in Petition No.80 of 1988 filed under Section 70B of the Maharashtra Tenancy and Agricultural Lands Act, 1948, as also the judgment and order dated 14 February, 1989 passed in Petition No.371 of 1989 filed under Section 32G of the said Act. Respondent no.1 has agreed to accept that the 32M Certificate issued in favour of the petitioner with respect to the suit property is legal, proper and valid and respondent no.1 has no objection to the said grant of 32 M Certificate in favour of the petitioner. In these circumstances, the petitioners and respondent no.1 have agreed that the judgment and order dated 9 October, 2012 passed by the Maharashtra Revenue Tribunal, Mumbai, in Review Petition No. 366/C/2012 and the judgment and order dated 26 September, 2011 passed in Revision Petition No.449 of 2009 arising out of judgment and orders both dated 5 November, 2009 passed by the Sub-Divisional Officer, Kalyan in Appeal No.3 of 2009 and Appeal No.4 of 2009 are quashed and set aside.

4. The consent terms are signed by Petitioner Nos.1a, 1b, 1c, 1d, 1e and respondent no.1/the contesting respondent. Signatures of the parties are identified by their respective advocates who have also put their signature on the consent terms. There is no dispute on the signatures as made on the

consent terms. The consent terms are taken on record and marked “X” for identification.

5. The writ petition is disposed of in terms of the consent terms. No costs.

6. Parties to act on an authenticated copy of this order.

(G. S. KULKARNI, J.)