

Bhogale

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

**WRIT PETITION NO.331 OF 2002
WITH
CIVIL APPLICATION NO.122 OF 2007
IN
WRIT PETITION NO.331 OF 2002
WITH
CIVIL REVISION APPLICATION NO.32 OF 2005**

Prabhatkumar Gajanan Patki
since deceased through L.Rs.

1a) Shribhanu Prabhatkumar Patki & ors.

.. Petitioners

vs.

Ramesh Tukaram Deshmukh & ors.

.. Respondents

Ms. Gauri Godse for the Petitioners.

Mr. Anilkumar Patil a/w Mr. Tushar Sonawane for Respondent Nos.1
to 8.

Mr. Ashutosh Gole for Respondent No.21.

CORAM : M.S.KARNIK, J.

DATE : MAY 7, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the parties.

2. It is stated by learned counsel for the Petitioners that Respondent Nos.9 to 18 in the Writ Petition and Respondent Nos.7 to 16 in the Civil Revision Application are not necessary for deciding the present controversy and hence are required to be deleted. The respective Petitioners/Applicants in Civil Revision Application to take steps to delete the Respondent Nos.9 to 18 from the Writ Petition and Respondent Nos.7 to 16 from the Civil Revision Application.

3. Amendment to be carried out forthwith.

4. The parties have tendered the consent terms. Learned counsel submits that during the pendency of the Petition and the Civil Revision Application, the parties have settled the dispute amongst themselves and have accordingly tendered the consent terms which are taken on record and marked as Exhibit 'X' for identification. The Petitioner No.1a is present through Video Conferencing and he is the Constituted Attorney Holder of Petitioner Nos.2 and 6. The Power of Attorney is placed on record. Even the sister of Petitioner No.1 though not a party to the consent terms has signed the consent terms. The sister of the Petitioner No.1 Mrs. Yashoda Borkar who is present through Video Conferencing says that she has read the consent terms and has duly signed the same. Learned counsel for the Petitioners says that Mr. Baji Kashinath Durve, Power of Attorney of Petitioner No.3 is present and agrees to what has been provided in the consent terms. The same are duly signed by him on behalf of the Petitioner No.3. Smt. Mriganayana Joag is the Constituted Attorney Holder on behalf of Petitioner No.4 says that she has signed the consent terms and has gone through the same. She is present through Video Conferencing. Mr. Vikas Pradhan is the Power of Attorney on behalf of Petitioner Nos.5/1 and 5/2 is present through Video Conferencing. He says that the consent terms are duly signed by him and he has gone through the same. The Power of Attorney of Respondent No.2 is present through Video Conferencing and

identified by his counsel. He says that the consent terms are duly signed by him on behalf of Respondent Nos.1 to 5 and he has gone through the same. Learned counsel Mr. Patil appears for Respondent Nos.1 to 8 and submits that the consent terms are duly signed by all the concerned and he identified the concerned Respondents he represents. Smt. Bharati Sathe-Respondent No.21 is present through Video Conferencing and identified by learned counsel Mr. Ashutosh Gole. Respondent No.19 Mr. Nitin Bondre is the Constituted Attorney Holder for Respondent No.20 and on behalf of Respondent Nos.19 and 20 he has duly signed the consent terms. He is present through Video Conferencing and says that he has signed the consent terms on behalf of him and Respondent No.20. Learned counsel Mr. Sonawane says that the consent terms are duly signed by Respondent Nos.7 and 8 in his presence.

5. I have gone through the consent terms. Respondent Nos.1 to 8 in the Writ Petition are the Applicants in the Civil Revision Application. Accordingly the Writ Petition and the Civil Revision Application are disposed of in terms of the consent terms. The parties undertake to abide by the consent terms.

6. In view of the disposal of the Writ Petition, nothing survives for consideration in the Civil Applications. The Civil Applications if any are disposed of accordingly.

(M.S.KARNIK, J.)