

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 421 OF 2021
WITH
INTERIM APPLICATION NO. 1472 OF 2021**

Rajaram Ishwara Jamdar

... Appellant

V/s.

Smt. Pushpa Bhalchandra Kale & Ors.

... Respondents

Ms.Divya Arvind Pawar-Patil for Appellant.

Mr.T.S. Ingale for Respondent Nos.2 & 3.

CORAM : A.S. GADKARI, J.

DATE : 17th December 2021.

PC. :

1. At the outset Ms.Divya Pawar-Patil on instructions submitted that, Respondent No.1, i.e. mother of Respondent Nos.2 and 3, is reported to be dead and therefore she may be permitted to delete her name from the array of Respondents.

Leave granted.

Learned Advocate for Appellant is directed to delete name of Respondent No.2 from the array of Respondents. Amendment be carried out forthwith.

2. In furtherance of Order dated 8th December 2021, the parties herein have settled the matter amicably and have executed 'Consent Terms'

dated 17th December 2021. Said 'Consent Terms' are duly signed by Appellant Shri Rajaram Ishwara Jamdar and Respondent No.2 Shri Shriram Bhalchandra Kale. In para No.7 of Consent Terms, the Respondent No.2 has categorically stated that, the Respondent No.3 is not present today for signing the present Consent Terms and he has signed the Consent Terms on behalf of Respondent No.3 and Respondent No.3 will not raise any objection in respect of execution of the present Consent Terms in future.

The Appellant and Respondent No.2 are personally present in the Court and they admit execution of the present Consent Terms dated 17th December 2021 and the contents thereof. The signatures of Appellant and Respondent No.2 are duly identified by their respective Advocates. Said Consent Terms are taken on record and marked 'X' for identification. The undertakings mentioned in the Consent Terms are accepted as undertakings given to this Court.

3. Second Appeal is disposed off in terms of 'Consent Terms' dated 17th December 2021.

Decree be drawn in terms of 'Consent Terms' dated 17th December 2021.

4. In view of disposal of Appeal, Interim Application No. 1472 of 2021 does not survive and is accordingly disposed off.