

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO. 325 OF 2012**

M/s. Ashtavinayk Developers and Ors.

... Appellants.

V/s.

Krishna Ananta Patil

Since deceased through LRs.

1a. Janabai Krishna Patil and Ors.

... Respondents

Mr.Mandar Limaye, Advocate for Appellants.

Mr.Rajiv Deokar a/w Mr.Jayesh Deokar, Mr.Akshay Dalvi for Respondent Nos.
1a, 1b, 1d, 2, 4 & 5a to 5e.

CORAM : A.S. GADKARI, J.

DATE : 22nd DECEMBER, 2021.

PC. :

1. Mr.Limaye, learned counsel for the Appellants submitted that, Appellants and Respondent Nos. 1a, 1b, 1d, 2, 4 & 5a to 5e have amicably settled their dispute involved in the present Appeal and have executed the 'Consent Terms' dated 22nd December 2021. He submitted that, Respondent Nos.1c i.e. Mr. Yogesh Krishna Patil and Respondent No.3 i.e. Mr.Mohan Ananta Patil are not willing to settle the matter and they are interested in contesting the present Second Appeal and therefore they have not parties to the present 'Consent Terms'.

2. He tendered across the bar 'Consent Terms' dated 22nd December 2021. The said 'Consent Terms' are signed by the partner of Appellant No.1, 2

and 3. It is also signed by Respondent Nos. 1a, 1b, 1d, 2, 4 & 5a to 5e. Their signatures have been duly identified by their respective Advocates. All the signatories to the said 'Consent Terms' are personally present in the Court and through their respective Advocates confirmed the fact of execution of the said 'Consent Terms'. The documents pertaining to the identities of the signatories to the 'Consent Terms' are also annexed thereto.

The said 'Consent Terms' are taken on record and marked 'X' for identification.

3. Present Second Appeal is disposed off in terms of 'Consent Terms' dated 22nd December 2021 qua the Respondent Nos.1a, 1b, 1d, 2, 4 & 5a to 5e.

Decree be drawn in terms of 'Consent Terms' dated 22nd December 2021 qua the Respondent Nos.1a, 1b, 1d, 2, 4 & 5a to 5e.

4. It is made clear that, the present Second Appeal filed by the Appellants is now surviving only against the Respondent Nos.1c and 3 only.

[A.S. GADKARI, J.]