

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.627 OF 2012
WITH
CIVIL APPLICATION NO.1367 OF 2012

Suresh Vitthal Tadge (since deceased) through

1(a) Sunita Suresh Tadge & Ors. .. Appellants

Versus

The Municipal Corporation of Greater

Bombay & Ors. .. Respondents

...

Mr.Mangesh Bansod i/b Law Loyals for the Appellants.

Ms.Isha Malik with Mr.Manish Doshi i/b Vimadalal & Co. for the Respondent Nos.2 and 3.

Mr.Narendra Walawalkar, Senior Advocate with Ms.Shilpa Redkar for the Respondent No.1 (MCGM).

Appellant Nos.1(a) to 1(d) are present in the Court.

Mr.Naynesh Satra, Partner of the Respondent No.3 present.

...

CORAM: BHARATI DANGRE, J.

DATED : 25th OCTOBER, 2021

P.C:-

1. In the pending First Appeal, today the Appellants and Respondent Nos.2 and 3 have tendered their consent terms signed by the parties as well as their respective counsel. The consent terms between Appellant Nos.1(a), 1(b), 1(c) and 1(d) on the one hand and Respondent Nos.2 and 3 on the other hand are taken on record and marked 'X' for identification.

Pertinent to note that MCGM is impleaded as Respondent No.1 and it is not a signatory to the said consent terms.

2. Appellant Nos.1(a) to 1(d) and Respondent No.2 are present in the Court. Mr.Naynesh Satra, Partner of Respondent No.3 is also present in the Court.

3. Perusal of the consent terms reveals that the parties to the terms have amicably resolved the dispute and the terms of settlement are set out in paragraph 6 of the consent terms, with a request that order dated 13/03/2012 passed by the Bombay City Civil Court, dismissing the L.C. Suit No.494 of 2010, be confirmed. Learned counsel appearing for the respective parties also make a solemn statement that they will withdraw all the allegations made against the officers of Respondent No.1, MCGM, who had issued the notices and around which the entire dispute revolves.

4. In terms of the aforesaid consent terms, the demand draft of Rs.1,25,00,000/- drawn in the name of Appellant No.1(a), Smt. Sunita Tadge is tendered by learned counsel for Respondent No.3 to the learned counsel appearing for Appellant Nos.1(a) to 1(d). Appellant No.1(a) acknowledged the receipt of the said demand draft and passed over an acknowledgment to the learned counsel for Respondent No.3. A photocopy of the said demand draft is also placed on record and marked 'X1' for identification.

5. In the wake of the aforesaid statement and the consent terms, nothing remains to be adjudicated in First Appeal No.627 of 2012, which is still at the stage of admission, in view of the order dated 26/04/2012, directing the First Appeal to be listed for final hearing and taken up for final hearing at the stage of admission.

6. First Appeal No.627 of 2012 is disposed of, subject to the stipulation contained in paragraph 6 of the consent terms. The Record and Proceedings, which has been received by this Court, shall be remitted back. No order as to costs.

(SMT. BHARATI DANGRE, J.)