

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 123 OF 2002

Mrs. Shivubai Mahadeo Khatake And Ors. ... Appellants

V/s.

Narayan Tukaram Sarvade & Ors. ... Respondents

Mr. A.M. Kulkarni, for Appellants.

Mr. Shrishail Sakhare, for Respondent No.1A to 1G.

Mr. Pradeep Salgar, for Respondent Nos. 6 to 10.

CORAM : A.S. GADKARI, J.

DATE : 28th October, 2021.

PC. :

1. Mr. Kulkarni, learned Advocate appearing for Appellants and Mr. Sakhare, learned counsel appearing for Respondent Nos. 1A to 1G, jointly submitted that, the Appellants and Respondent Nos. 1A to 1G are the only contesting parties to the present Second Appeal and Respondent Nos. 2 to 5 are not necessary parties.

2. Mr. Kulkarni, learned Advocate for Appellants, therefore seeks leave to delete Respondent Nos. 2 to 5 from the cause title of the present Second Appeal.

He further seeks leave to impleade third party (Respondent Nos.6 to 10) in whose favour, the Appellants and Respondent Nos. 1A to 1G have created rights, title and interest in respect of suit property.

Leave granted. Necessary amendment be carried out forthwith.

3. Mr. Kulkarni, learned counsel for the Appellants submitted that, the Appellants and Respondent Nos. 1A to 1G have settled the matter amicably along with Respondents No.6 to 10 and have executed Consent Terms dated 26th July, 2021. Original copy of the said consent terms dated 26th July, 2021 is produced on record. The said consent terms are duly signed by the Appellants and Respondent Nos.1A to 1G and also by Respondent Nos. 6 to 10. Their signatures have been duly identified by their respective Advocates. To the said consent terms, Earnest Receipt and Agreement along with other relevant documents are also annexed. The compilation of Consent Terms is of 108 pages. The said consent terms are taken on record and marked "X" for identification.

Undertakings mentioned by Consent Terms are accepted as undertaking given to this Court by the respective parties.

4. In view of the consent terms, the Second Appeal is accordingly disposed of.

Decree be drawn in terms of Consent Terms dated 26th July, 2021.

[A.S. GADKARI, J.]