

Vidya Amin

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

**WRIT PETITION NO. 2090 OF 2000
WITH
CIVIL APPLICATION NO. 2351 OF 2017**

Arun Dattatraya Deshpande **... Petitioner**

V/s.

Gangaram Ananda Dhutre (Decd.)
through LH Shakuntala G. Dhutre & Ors. **... Respondents**

**INTERIM APPLICATION (ST.) 21898 OF 2021
IN
WRIT PETITION NO. 2090 OF 2000**

Avikumar D. Dhule **... Applicant**

in the matter between

Arun Dattatraya Deshpande **... Petitioner**

V/s.

Gangaram Ananda Dhutre (Decd.)
through LH Shakuntala G. Dhutre & Ors. **... Respondents**

Mr. S.M. Railkar for the petitioner in WP/2090/2000 and for the applicant in CAW/2351/2017.

Mr. Saurabh Butala i/b. Mr. Harshad A. Sathe for the respondent.

Mr. Tejesh Dande a/w. Mr. Bharat Gadhavi, Vishal Navale, Aniket Aghade, Trushna Shah, Chinmay Deshpande i/b. Tejesh Dande & Associates for the applicant/intervenor.

**CORAM : G.S.KULKARNI, J.
DATE : 14 December, 2021**

P.C.:

1. Learned counsel for the petitioner and learned counsel for the respondent have tendered consent terms as entered between the parties.

2. The consent terms are signed by the petitioner as also by the respondents, who are the legal heirs of deceased respondent Gangaram Ananda Dhutre. It is also signed by the advocates of the respective parties. The signatures on the consent terms are identified by their respective advocate. There is no dispute on the signatures as made in the consent terms. The consent terms are taken on record and marked 'X' for identification. The dispute between the petitioner/landlord and respondents/tenants accordingly stand settled in terms of the consent terms.

3. The petition is accordingly disposed of in terms of the consent terms.

4. Civil Application would also not survive and is accordingly disposed of.

5. There is Intervention Application (St.) No. 21898 of 2021 filed by Mr. Avikumar Dhule, who is asserting rights in respect of the land as per the averments as set out in the Intervention Application. In asserting such rights, the intervenor has also filed Regular Civil Suit No. 69 of 2021 in the Court of Civil Judge Junior Division, Mahad. The contention is that the consent terms between the parties are likely to prejudicially affect the rights of the intervenor inasmuch as he has rights in the property in

question.

6. In my opinion, the adjudication in regard to the rights of the intervenor cannot be a subject matter of the present proceedings and moreso when an independent Civil Suit has been filed of which there is sufficient notice to the parties. It is thus open to the intervenor to move appropriate proceedings and/or application in the pending civil suit, if the intervenor is of the opinion that the disposal of this petition in terms of the consent terms between the original petitioner and respondent is in any manner prejudicially affecting his rights. It is for the Civil Court to look into such grievance/assertion of the intervenor and after hearing the parties, pass appropriate orders, if any case to that effect is made out in law and facts by the intervenor. All contentions in that regard are expressly kept open.

7. Intervention Application is disposed of in above terms. No costs.

(G.S.KULKARNI, J.)