

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.423 OF 2015**

Kalpana Gandhi .. Petitioner

Versus

Jayant s/o Marutirao Dhanwantay .. Respondent

ALONGWITH

FIRST APPEAL NO.1105 OF 2014

WITH

CIVIL APPLICATION NO.1215 OF 2015

WITH

CIVIL APPLICATION NO.3112 OF 2014

Kalpana Gandhi .. Appellant

Versus

Jayant s/o Marutirao Dhanwantay & Ors... Respondents

ALONGWITH

WRIT PETITION NO.6 OF 2018

Jayant Marutirao Dhanwatay .. Petitioner

Versus

Kalpana Gandhi & Ors. .. Respondents

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Ms.Sapana Rachure for the Petitioner in CP/423/15, for the Appellant in FA/1105/14 and for the Respondent in WP/6/18.

Mr.Rohit Jain i/b Legal Juris for the Respondent No.1 in FA/1105/14.

Mr.Sanskar Marathe for the Petitioner in WP/6/18 and for the Respondent in CP/423/15.

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CORAM: BHARATI DANGRE, J.
DATED : 22nd OCTOBER, 2021

P.C:-

1. The aforesaid three proceedings, being Contempt Petition No.423 of 2015, First Appeal No.1105 of 2014 and Writ Petition No.6 of 2018 are the follow-up of Suit No.7268 of 1998, instituted in the Bombay City Civil Court at Bombay by one Jayant Dhanwatay (Plaintiff) against his sister, Kalpana Gandhi (Defendant No.1) and three others. The suit is filed, seeking declaration, injunction and vacant peaceful possession of the suit premises.

The said suit was decreed by a judgment and decree dated 30/07/2014 and that is how, First Appeal No.1105 of 2014 is instituted by Defendant No.1-Kalpana Gandhi. The Contempt Petition is also instituted alleging disobedience of certain orders. Writ Petition No.6 of 2018 is instituted by the original Plaintiff, being aggrieved by action of the Executing Court in not proceeding further.

2. Today, the consent terms are placed before me, which are filed in Contempt Petition No.423 of 2015. The consent terms are signed by the Petitioner, Kalpana Gandhi and the Respondent, Jayant Dhanwatay, who are present in the Court and also by their respective counsel. The consent terms are taken on record and marked 'X' for identification.

In the said consent terms, the parties have amicably decided to put an end to all the aforesaid three proceedings, which are pending before this Court. The terms of settlement

are set out in paragraph 3 of the consent terms and in paragraph 4, a statement is made to the effect that in view of the consent terms agreed between the parties, the Petitioner and the Respondent, withdraw all the claims/counter-claims/allegations made by them against each other in the proceedings referred here-in-above. A request is made in paragraph 6 of the consent terms that on account of the dispute being settled between the parties, the Contempt Petition, First Appeal and the Writ Petition filed by the parties, be disposed of as withdrawn.

3. During the course of hearing, learned counsel for the Respondent, Jayant Dhanwatay, who is present in the Court, has handed over the cheques which find mention in paragraph 3 (f) of the consent terms to the Petitioner, Kalpana Gandhi, who is also present in the Court. She acknowledges receipt of the said cheques, subject to the stipulation that the cheques will be honoured.

4. In the wake of the aforesaid development and in light of the consent terms, Contempt Petition No.423 of 2015 stands disposed of and the proceedings are dropped. As far as First Appeal No.1105 of 2014 is concerned, the Appellant seeks permission to withdraw the Appeal and it is disposed of as withdrawn. Writ Petition No.6 of 2018 is also sought to be withdrawn in the wake of the consent terms and stands disposed of as withdrawn.

5. In view of the withdrawal of First Appeal No.1105 of 2014, Civil Applications do not survive and stand disposed of.

(SMT. BHARATI DANGRE, J.)