

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

SECOND APPEAL NO.631 OF 2011

Gopal Bherumal Wadhwa
(Since Deceased) Through Lrs.
Leena Gopal Wadhwa & Ors. ..Appellants
Vs.
Ramesh Rijumal Rohara ..Respondent

**WITH
CIVIL APPLICATION NO.1348 OF 2016
WITH
CIVIL APPLICATION NO.296 OF 2015**

Ramesh Rijumal Rohara ..Applicant
Vs.
Shri.Gopal Bherumal Wadhwa
(Since Deceased) Through Lrs.
Leena Gopal Wadhwa & Ors. ..Respondents

Mr.Vijay Killedar for the Appellants.

Mr.Tejas D. Deshmukh a/w Mr.Sagar M. Kurssija i/b Mr.Samrat K.
Shinde for the Respondents.

CORAM : C.V. BHADANG, J.

DATE : 05th MARCH 2021

P.C.:

1. The parties have produced consent terms, along with supporting affidavits, which are taken on record and marks 'x' for identification (collectively). The consent terms are signed by the

parties and their counsel. The parties are personally present before the Court and they admit the correctness of the contents thereof.

2. The appellants are the original defendants. The respondent (Original plaintiff) had filed a suit for declaration in respect of Shop No.498 which suit was decreed and that was confirmed in appeal. Now as per the consent terms the plaintiff has agreed to surrender the suit shop No.498 in favour of the defendants.

3. I have heard the learned counsel for the parties. In that view of the matter, the impugned judgment and decree is hereby set aside. The appeal is disposed of in view of the consent terms. In the circumstances, there shall be no order as to costs.

Decree be drawn accordingly.

C.V. BHADANG, J.