

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NO. 63 OF 2019
WITH
CIVIL APPLICATION NO. 148 OF 2019**

RASHMIBHAI KOTecha AND
ANR.,APPELLANTS

Versus.

PURUSHOTTAM BHAGWAN AND
ASSOCIATES, REP. BY THEIR
PARTNER, NILESH N. SHAH AND
2 ORS.,RESPONDENTS.

Mr. Ajit R. Kantak, Advocate *for the Appellants.*

Mr. Ashwin D. Bhobe, Advocate *for Respondent No.1.*

CORAM : M. S. SONAK, J.

DATE : 7th October 2022

P.C.: -

1. Mr. Kantak, the learned Counsel for the Appellants, on instructions, seeks leave to drop the Appellants No.2(B) and 2(C) since, the Appellant No.1 wishes to file consent terms and assume the responsibility for fulfilling the undertakings in the consent terms.

2. At the request of Mr. Kantak, leave is granted to drop the Appellants No.2(B) and 2(C). Amendment to be carried out forthwith.

3. Mr. Kantak and Mr. Bhobe hand in consent terms, which are taken on record and marked as 'X' for the purpose of identification. The consent terms have been signed by the Appellant. Mr. Kantak states that the Appellant has signed the consent terms in his presence, but the Appellant is unable to come to Court today. Mr. Kantak, however, states that Mr. Mohit Kotecha, son of the Appellant No.1 is present in the Court today. Mr. Kantak states that the Appellant has signed these terms after the same were explained to him and after he has understood the scope and import. Mr. Mohit Kotecha also confirms this position.

4. Similarly, the consent terms have been signed by Mr. Bhupesh Shah, a partner of Respondent No.1 who is today present in the Court. He states that he has also signed these consent terms after understanding their scope and import.

5. Mr. Kantak and Mr. Bhobe have also signed these terms and have identified the respective signatures thereon.

6. The consent terms are accepted since, the same are not contrary to law. The undertakings in the consent terms, are also accepted as undertakings to this Court.

7. The second appeal is disposed of based on the consent terms. The impugned decrees are modified in terms of the consent terms.

8. The second appeal is disposed of in the above terms. There shall be no order for costs.

9. The civil application does not survive the disposal of the appeal and the same is also disposed of.

M. S. SONAK, J.

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