

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

**FIRST APPEAL NO.94 OF 2013
WITH
CROSS-OBJECTION NO.1 OF 2014
WITH
WRIT PETITION NO.212 OF 2022
AND
WRIT PETITION NO.1213 OF 2022(F)**

FIRST APPEAL NO.94 OF 2013
PRABHAV REALTORS REP.
BY ITS MANAGING PARTNER
PANDURANG ANANT NAIK APPELLANT

Versus

DIGAMBAR VOIKUNT
PALONDIKAR @ DIGAMBAR
VOIKANT PANANDIKAR & 3 ORS. RESPONDENTS

**WITH
CROSS-OBJECTION NO.1 OF 2014**
DIGAMBAR VOIKUNT
PALONDIKAR @ DIGAMBAR
VOIKANT PANANDIKAR
& 3 ORS.CROSS-OBJECTORS

Versus

PRABHAV REALTORS REP.
BY ITS MANAGING PARTNER
PANDURANG ANANT NAIK RSPONDENT

**WITH
WRIT PETITION NO.212 OF 2022**
VINAY ANANT NAIK & ANR. PETITIONERS

Versus

DIGAMBAR VOIKUNT
PALONDIKAR @ DIGAMBAR
VOIKANT PANANDIKAR & 3 ORS. RESPONDENTS
AND
WRIT PETITION NO.1213 OF 2022(F)

PRABHAV REALTORS REP.
BY ITS MANAGING PARTNER
PANDURANG ANANT NAIK PETITIONER

Versus

DIGAMBAR VOIKUNT
PALONDIKAR @ DIGAMBAR
VOIKANT PANANDIKAR & 3
ORS. RESPONDENTS

Mr. D. Pangam with Mr. N. Vernekar, Mr. P. Sawant and Mr. B.P. Sardesai, Advocates for the Appellant in F.A. No.94/2013, for the Petitioner in W.P. No.1213/2022(f) & for the Respondent in Cross-objection No.1/2014.

Mr. A.D. Bhobe & Ms. S. Shaikh, Advocates for the Petitioner in Writ Petition No.212 OF 2022.

Mr. R.G. Ramani, Senior Advocate with Mr. P. Kakodkar, Mr. V. Amonkar, Mr. Shivam Phadte & Mr. Gaurang Panandikar, Advocates for the Cross-objectors in Cross-objection No.1/2014 and for the Respondents in F.A. No.94/2013, W.P. No.212/2022 & W.P. No.1213/2022(F).

CORAM : M. S. SONAK, J.

DATE : 10th JUNE 2022

P.C. :

1. Heard learned Counsel for the parties.

2. Today, Writ Petition No.212/2022 and Writ Petition No.1213/2022(Filing No.) were on Board.

3. The parties along with their learned Counsel explored the possibility of settlement and ultimately have arrived at a settlement, which will dispose of not only the two Writ Petitions, which arise out of the execution proceedings, but also the appeal and cross-objections against the decree that was under execution.

4. Accordingly, with the consent of the learned Counsel for the parties even First Appeal No.94/2013 and Cross-Objections No.1/2014 were taken on Board for record of settlement.

5. The learned Counsel for the parties have tendered consent terms in First Appeal No.94/2014 and Cross-objections No.1/2014 and the same are taken on record and marked as 'X' for purpose of identification.

6. The consent terms have been signed by all the parties and their advocates. The parties are present in the Court and they confirm having signed the consent terms after understanding their scope and import.

7. I have perused the terms and according to me the same are quite reasonable and there is nothing in the terms which is opposed to public policy. The parties have settled their disputes on terms honourable to both.

8. The consent terms are accordingly taken on record and the First Appeal No.94/2013, cross-objection no.1/2014, Writ Petition No.212/2022 and Writ Petition No.1213/2022(F) are all disposed of in terms of the consent terms.

9. The undertakings in the consent terms are accepted as undertaking to this Court. Further, the Registry is directed to act in terms of clause 6 of the consent terms and disburse the amount of ₹47.00 lakhs along with interest to the respondents within one week from today.

10. Since the appeal and cross-objections are being disposed of a decree to be drawn in terms of the consent terms.

11. This Court appreciates the reasonable approach of all the parties and their Counsel in arriving at this settlement.

M. S. SONAK, J.

NITI K
HALDANKAR

Digitally signed by NITI K
HALDANKAR
Date: 2022.06.13 18:05:00
+05'30'