

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

**SECOND APPEAL NO. 31 OF 2006
WITH
CIVIL APPLICATION NO. 1039 OF 2018**

Vitthal Soma Kute (deceased)
through his legal heirs & Ors. ..Appellants

Versus

Raghunath Dagdoba Pasalkar & Ors. ..Respondents

Mr. Sujal H. Gangal, for the Appellants.

Mr. Drupad S. Patil a/w Namitkumar Pansare, for the Respondent
No.1.

CORAM : NITIN W. SAMBRE, J.

DATE : 21st OCTOBER, 2022

PC.

1. Suit No.58 of 1994 was compromised before the Civil Judge, Senior Division, Pune which was pertaining to declaration in regard to sale-deed dated 6th July, 1999 to be null and void.

2. The said compromise decree was subject matter of challenge in Special Civil Suit No.71 of 1996 which was dismissed on 31st July, 1999, however, in appeal being Civil Appeal No.724 of 1999, the decree was reversed. As such, this Second Appeal.

3. Parties to the second appeal, particularly appellant Nos.1B(i), 1B(ii) and 1B(iii), so also 1C, 1D through themselves and

their Power of Attorney have signed consent terms and appeared before this Court. The said appellants admit the terms as reflected in the consent terms tendered before this Court.

4. Similarly, respondent Nos.1 and 2 are personally present in the Court, so also the Power of Attorney who has signed for respondent No.4 has admitted to the execution of the consent terms.

5. As such, consent terms are taken on record and marked "X" for identification.

6. In view of admission given by the parties who are signatories to the consent terms, the Second Appeal stands disposed of.

7. In view of disposal of Second Appeal, the Civil Application also stands disposed of.

8. Liberty to place on record true copy of the Power of Attorney.

9. Decree be drawn up accordingly.

[NITIN W. SAMBRE, J.]