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

**CIVIL REVISION APPLICATION NO.767 OF 2013
WITH
INTERIM APPLICATION NO. 18428 OF 2022
WITH
*CIVIL APPLICATION NO.471 OF 2017***

Shri. Vasant Balu Shinde (deceased)
through legal heirs
Shanta Vasant Shinde & Ors. ...Applicants
Versus
Shri. Shafi Shaikh
1a. Noorjaha Shafi Shaikh & Ors. ...Respondents

Mr. Gautam J. Jain, i/b. Mr. M. J. Bhatt, for the Applicants.

Mr. Mriganka Kundu, for the Respondents.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 1st DECEMBER 2022**

P.C. :

1. Heard Mr. Gautam Jain, learned counsel appearing for the Applicants and Mr. Mriganka Kundu, learned counsel appearing for the Respondents.

2. Both the learned Advocates state that parties have settled the dispute and tendered Consent Terms dated 1st December 2022. The said Consent Terms are taken on record

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and marked 'X' for identification.

3. Leave to amend to delete name of Applicant No.1 as he has passed away and his heirs are already on record i.e. Applicant Nos.2, 3 and 4 who are present in Court. The Consent Terms are also signed by Respondent No.1(a) to 1(h) and Respondent Nos.2 to 4. All these parties who have executed the Consent Terms are present in the Court and they confirm the contents of the Consent Terms and that the same are agreeable to them.

4. The Consent Terms record that the Respondents will be handed over peaceful possession of the suit property on receiving the amount of Rs.6,20,000/-. *In* the Court the learned Advocate appearing for the Applicant has handed over the Demand Draft of Rs.6,20,000/- to the learned Advocate appearing for the Respondents. The said Demand Draft is in favour of Respondent No.3-Mahmood Ajmudin Shaikh and he has accepted the same on behalf of all the Respondents who are personally present in Court. The Respondents state that the said payment is for and on behalf of all the Respondents.

5. In view of the above Consent Terms, by consent of the

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parties, the judgment and decree dated 29th April 2011 passed by the learned Ad-hoc District Judge-4, Thane in Civil Appeal No.60 of 2007 is set aside and by consent, the decree of eviction granted on 18th January 2007 by the learned Civil Judge, Junior Division, Vashi in Regular Civil Suit No.52 of 2005 is confirmed subject to the above Consent Terms.

6. The Respondents have deposited certain amount in this Court. The Applicant No.2 is at liberty to withdraw the said amount with accrued interest, if any in accordance with clause (1) of the paragraph 5 of the Consent Terms.

7. The Civil Revision Application is disposed of in terms of Consent Terms.

8. In view of the disposal of the Civil Revision Application, nothing survives in the Interim Application and the ***Civil Application No.471 of 2017*** and the same are disposed of as such.

9. A soft copy of the Consent Terms will be uploaded as the second order in the matter.

[MADHAV J. JAMDAR, J.]

Note: This order is modified as per order dated 10th January 2023. The corrections are shown in cause title and paragraph 4 and 8 in bold and italics.