

Varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO. 1065 OF 2000
IN
SUIT NO. 1294 OF 1986**

Prakash N. Shah & Ors ...Appellants
Versus
Kishore Narsingh alias Hiralal Shah & Ors ...Respondents

**WITH
INTERIM APPLICATION NO. 3055 OF 2021
IN
APPEAL NO. 1065 OF 2000
IN
SUIT NO. 1294 OF 1986**

Prakash N. Shah ... Applicant
Versus
Kishore Narsingh alias Hiralal Shah & Ors ...Respondents

**Mr Pradeep Thorat, with Aditi Naikare, for the Appellant/Applicant.
Mr NC Parekh, i/b Mansukhlal Hiralal & Co., for Respondent Nos. 1
to 3(a).**

**CORAM G.S. Patel &
Gauri Godse, JJ.
DATED: 16th September 2022**

PC:-

1. The parties have settled all their disputes. Consent Terms are tendered. These are signed by the Advocates for the parties as also by one Prakash Narsingh Shah, Appellant No.1, for himself and as the Constituted Attorney for Appellant Nos. 2 to 4(d). A copy of the power of attorney is annexed to the Consent Terms. The Respondent Nos. 1, 2(a), (b), (c), 3 and 3(a) have also signed the Consent Terms. The parties are present in Court and are identified by their Advocates.
2. The Consent Terms are in order. We are satisfied that the Consent Terms are not contrary to the law and that they have been drawn by the parties of their own volition in reflection of their true intentions. The Consent Terms are taken on record and marked as “X” for identification with today’s day. All undertakings in the Consent Terms are accepted as undertakings to the Court.
3. Mr Thorat hands over the keys for 4a and 4b to the learned Advocate for the Respondents in Court today.
4. The Consent Terms inter alia provide transfer of certain immovable properties. For the purposes of effecting the transfer of the properties, an authenticated or certified copy of the Consent Term may be lodged for registration with the Collector of Stamps as also with the Sub Registrar of Assurances, if required. The drawn up order or decree may also be similarly lodged, if necessary.

5. Since this was in a Partition Suit, an entire suit has been compromised, there is no requirement of a preliminary decree.

6. Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary and Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

7. The Appeal and Suit are both disposed of with an order in terms of the Consent Terms.

8. Interim Application No. 3055 of 2021 in the Appeal is for impleadment of legal heirs. It is within time. The Interim Application is made absolute. Amendment to be carried out forthwith in Court without need of reverification. The heirs to be impleaded are already parties and have signed the Consent Terms.

9. A soft copy of the Consent Terms will be uploaded as the Second Order in the matter.

(Gauri Godse, J)

(G. S. Patel, J)

Note: This order is modified by an order dated 23rd September 2022 passed on a praecipe dated 23rd September 2022. The corrections are shown in bold and italics.