

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NOS. 90 OF 2019 &
83 OF 2019**

HARISHCHANDRA KUTTIKAR (DEC)
THR. LRS. AND ANR., ... Appellants.

Versus

MOHAN MUKUND MASHELKAR
AND 5 ORS., ... Respondents.

*Mr Abhay Nachinolkar, with Mr S. Dhakankar, Advocates for
the Appellants.*

*Mr A.D. Bhobe with Ms Annelise Fernandes, Advocates for
Respondents No.1 to 3.*

Mr Vivek Rodrigues, Advocate for Respondent No.4.

Respondent No.6 present in person.

CORAM : M. S. SONAK, J.

DATE : 18th August 2023

ORAL ORDER :

1. Mr Nachinolkar, learned Counsel for the Appellants seeks leave to delete Respondent No.5 from the array of Respondents, in both these Appeals. Leave is granted subject to the risks and consequences of the Appellants. Necessary amendment to be carried out forthwith.
2. Mr Nachinolkar, learned Counsel for the Appellants, Mr Bhobe for Respondents No.1, 2 and 3 and Mr Vivek Rodrigues for Respondent No.4 hand in consent terms, which are taken on record and marked as "X" for the purpose of identification. To the consent

terms, is annexed a plan, which also forms a part and parcel of the consent terms.

3. The consent terms, which are signed by all the Appellants, Respondents N.1, 2 and 3, Respondent No.4 and also Respondent No.6 *i.e.* Vasudev Harishchandra Kuttikar, who is present in the Court. The consent terms are also signed by the Advocates for the Appellants and Respondents No.1 to 4. The Advocates have identified the parties. As noted earlier, Respondent No.6 has also signed the consent terms and he is present in the Court. Mr Nachinolkar points out that Respondent No.6 is Appellant No.1(a)'s brother. Mr Nachinolkar, accordingly, identifies Respondent No.6. Besides, Respondent No.6 has produced his driving licence, which bears his photograph, for the purpose of identification. A copy of the driving licence is also kept on record.

4. The Appellants, who are present in the Court, state that they have signed these consent terms and the plan annexed to the consent terms, after understanding their full scope and import. Respondents No.1 to 4, who are present in the Court, also say likewise. Respondent No.6, who is present in the Court, also says likewise.

5. The consent terms settle the disputes between the parties. There is nothing opposed to public policy contained in the consent terms. As such, there is no reason not to accede to the request that this Appeal be disposed of in terms of the consent terms now handed in.

6. Accordingly, the consent terms and the plan annexed to the consent terms are taken on record and both these second appeals

are disposed of in terms of the consent terms and the plan annexed to the consent terms.

7. The undertakings, if any, in the consent terms are accepted as undertakings to this Court.

8. The impugned decrees will stand modified in terms of the consent terms.

9. Both these Appeals are disposed of.

M. S. SONAK, J.

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