

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 926 OF 2015

YOGESH THAKUR ... Petitioner

Versus

TEJAL Y THAKUR ... Respondent

Mrs A. Agni, Senior Advocate with Ms Jay Sawaikar, Advocate for the Petitioner.

Mr Jagannath Mulgaonkar, Advocate for the Respondent.

**WITH
TRANSFER APPLICATION NO.7 OF 2019
WITH
CIVIL APPLICATION NO.193 OF 2019
IN
TRANSFER APPLICATION NO.7 OF 2019**

TEJAL Y. THAKUR. ...Applicant

Versus

YOGESH THAKUR. ...Respondent

Mr Jagannath Mulgaonkar, Advocate for the Applicant

Mrs A. Agni, Senior Advocate with Ms Jay Sawaikar, Advocate for the Respondent.

CORAM: M. S. SONAK, J.

DATED : 13th JULY 2023

P.C.:

1. Ms Agni, learned Senior Advocate for the Petitioner and Mr. Mulgaonkar, learned counsel for the Respondent hand in consent

terms which are taken on record and marked 'X' for the purposes of identification.

2. The consent terms are signed by the Petitioner and the Respondent and their Advocates. The Advocates have identified the Petitioner and the Respondent.

3. The Petitioner and the Respondent are present in the Court. The Petitioner and the Respondent state that they have signed the consent terms after they were explained to them by their respective Advocates. They say that they have signed the consent terms after understanding their full implications. They request that the petition could be disposed of based on the consent terms now handed in.

4. As per the consent terms, the Respondent has agreed to seek an exemption and refund of taxes from the Income Tax Department. In this case, there were some genuine issues about tax liability. Therefore, any claim for exemption or refund by the Respondent, should obviously not be treated as some incorrect or dishonest claim. On account of some issues and conflicting opinions of the Chartered Accountant, a provision has been made in the consent terms and if the Respondent acts in accord with the consent terms surely, this cannot be regarded as some incorrect or dishonest claim. Nevertheless, the claim will have to be decided by the appropriate authority in accord with law. The undertakings given by the Petitioner and the Respondent in the consent terms are accepted as undertakings to this Court. This means that both parties will have to abide by the same.

5. On perusing the consent terms, there is nothing therein that could be said to be opposed to public policy. Accordingly, the consent terms are accepted and the Petition and Transfer Application are disposed of based on the consent terms.

6. The Civil Application No.193 of 2019 does not survive the disposal of the Transfer Application and the same is also disposed of accordingly.

7. The Civil Judge Senior Division, 'B' Court at Panaji, is requested to dispose of Matrimonial Petition No.5/2012 as expeditiously as possible and preferably within two weeks from the date the parties produce an authenticated copy of this order.

8. The Court records appreciation and gratitude to Mr R. G. Ramani, learned Senior Advocate, due to whose mediation the parties could resolve their disputes and file the consent terms.

M. S. SONAK, J.