

Arjun

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

SECOND APPEAL NO.130 OF 2020

Shri. Noormahammad Usman ...Appellants
Mulani & Ors.

V/s.

Husen Ahmed Mulani ...Respondents
(Deceased through legal heirs)
1A. Dastigir Hussien Mulani & Ors.

**WITH
INTERIM APPLICATION NO.165 OF 2020
IN
SECOND APPEAL NO.130 OF 2020**

Salim @ Lala Alibhai Mulani ...Applicant

In the matter between :

Shri. Noormahammad Usman ...Appellants
Mulani & Ors.

V/s.

Husen Ahmed Mulani ...Respondents
(Deceased through legal heirs)
1A. Dastigir Hussien Mulani & Ors.

Ms. Manisha Devkar, for the Appellants/Applicant.

Mr. Rajaram V. Bansode, for Respondent Nos.1A to 1F.

**CORAM : MADHAV J. JAMDAR, J.
DATED : AUGUST 11, 2023**

P.C.:

1. Heard Ms. Devkar, learned counsel appearing for the

Appellants and Mr. Bansode, learned counsel appearing for Respondent Nos.1A to 1F i.e. original Plaintiffs.

2. Mr. Bansode, learned counsel states that the Respondent No.1A.-Dastgir Hussen Mulani is the Constituted Attorney of Respondent Nos.1B to 1F. He states that, earlier, he was appearing only for himself. However, as the Respondent Nos.1B to 1F have executed Power of Attorney dated 10th August 2023 in favour of Respondent No.1A, *Vakalatnama* has been signed on behalf of Respondent Nos.1B to 1F by Respondent No.1A and he is now representing Respondent Nos.1A to 1F. He states that the said *Vakalatnama* will be filed in the office within a period of two weeks from today.

3. Both, Ms. Devkar, learned counsel appearing for the Appellants and Mr. Bansode, learned counsel appearing for Respondent Nos.1A to 1F state that the dispute in the Second Appeal is compromised between the Appellants and Respondent Nos.1A to 1F and, accordingly, the Consent Terms are signed by the Appellants and Respondent Nos.1A to 1F. The Consent Terms are signed by Appellant No.2-Mr. Lala Alibhai Mulani on his behalf and on behalf of Appellant

Nos.3 to 7. The Consent Terms are also signed by Respondent No.1A-Dastigir Hussen Mulani on his behalf and on behalf of Respondent Nos.1B to 1F. Photocopies of respective Power of Attorney are annexed to the Consent Terms.

4. Both, Mr. Lala Alibhai Mulani and Mr. Dastigir Hussen Mulani are personally present in the Court. Both of them confirm that the dispute in the Second Appeal is settled between the Appellants and the Respondent Nos.1A to 1F. The signatures of the respective parties on the Consent Terms are identified by their respective Advocates.

5. Accordingly, the Consent Terms along with photocopies of respective Power of Attorney are taken on record and marked "X" for identification.

6. The Second Appeal is disposed of in terms of the Consent Terms executed between the Appellants and Respondent Nos.1A to 1F.

7. Ms. Devkar, learned counsel appearing for the Appellants states that as far as the Second Appeal against Respondent Nos.2 to 14 is concerned, she has instructions from the Appellants to withdraw the same. The said instructions are given by the Appellant No.2-Salim @ Lala

Alibhai Mulani for himself and on behalf of Appellant Nos.3 to 7. Accordingly, she tenders writing dated 11th August 2023 executed by said Salim @ Lala Alibhai Mulani confirming that the Appellants are withdrawing the Second Appeal against Respondent Nos.2 to 14. The said writing is taken on record and marked "X1" for identification.

8. Accordingly, the Second Appeal is disposed of in terms of the Consent Terms executed between the Appellants and Respondent Nos.1A to 1F and as far as the Second Appeal against Respondent Nos.2 to 14 is concerned, the same is allowed to be withdrawn and dismissed as such.

9. Accordingly, the Second Appeal is disposed of in above terms with no order as to costs.

10. In view of disposal of the Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]