

Dusane

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

**SECOND APPEAL NO.435 OF 2020
WITH
INTERIM APPLICATION NO.1199 OF 2020
IN
SECOND APPEAL NO.435 OF 2020**

Mr. Satish Nanabhai Modi ...Appellant

V/s.

Mrs. Shalini Ramesh Arnalkar ...Respondents
& Ors.

Mr. R.D. Soni i/by Ram & Co. for Appellant/
Applicant.

Mr. V.B. Tapkir for Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATE: 28th July 2023

P.C.:

1. Not on board. Taken on board as both the learned Counsel state that the parties have settled the matter and accordingly they have arrived at the Consent Terms.

2. Heard Mr. Soni, learned Counsel appearing for the Appellant and Mr. Tapkir, learned Counsel appearing for the Respondents. Both of them state that the parties have arrived at the Consent Terms.

3. The Appellant and the Respondents are personally present in the Court. They state that the dispute between them is settled in terms of the Consent Terms. The Consent Terms are signed by the Appellant as well as the Respondents. The respective signatures of the Appellant and the Respondents are identified by the learned Counsel appearing for respective parties. Photocopies of photo identity documents i.e. AADHAR and PAN Cards are annexed to the Consent Terms. Accordingly, the Consent Terms are taken on record and marked 'X' for identification.

4. Accordingly in terms of the Consent Terms, the judgment and decree dated 14th November 2019 passed by the learned District Judge-1, Khed-Rajgurunagar in Civil Appeal No. 44 of 2015 is confirmed subject to modification set out in the Consent Terms. It is clarified that the suit seeking specific performance of agreement to sale dated 25th May 2007 filed by the Appellant bearing Special Civil Suit No. 58 of 2014 is dismissed subject to terms of the Consent Terms.

5. Mr. Tapkir, learned Counsel appearing for the Respondents has handed over to the learned Counsel appearing for the Appellant Demand Drafts of various amounts aggregating to Rs.75,00,000/- issued in favour of the Appellant as more

particularly set out in Clause 3 of the Consent Terms. In addition to the said amount of Rs.75,00,000/-, the Appellant is entitled to withdraw amount of Rs.28,00,000/- alongwith accrued interest, if any, which the Appellant has deposited before the learned Civil Judge, Senior Division, Rajgurunagar-Khed pursuant to the judgment and decree dated 19th March 2008 in Special Civil Suit No. 58 of 2014.

- 6.** Accordingly, the Second Appeal is disposed of in terms of the Consent Terms with no order as to costs.
- 7.** Refund of Court fees permitted as per the rules.
- 8.** In view of disposal of the Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2023.08.03
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