

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

WRIT PETITION NO.5172 OF 2022

Nandkumar Vishnu Deodhar
(since deceased)
through legal heirs
Anuradha Nandkumar Deodhar & Ors. Petitioners

versus

Arvind Vishnu Deodhar & Ors. Respondents

**WITH
WRIT PETITION NO.12634 OF 2022**

Arvind Vishnu Deodhar & Ors. Petitioners

versus

Nandkumar Vishnu Deodhar
(since deceased)
through legal heirs
Anuradha Nandkumar Deodhar & Ors. Respondents

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- Mr. Rajaram P. Lote, Advocate for Petitioners in WP/5172/22.
- Mr. Mayuresh D. Modgi, Advocate for Petitioners in WP/12634/22 and for Respondent Nos.1A to 1D in WP/5172/22.
- Mr. C. G. Gavnekar a/w Ashutosh Gavnekar a/w Rohit Parab, Advocate for Respondent Nos.2A to 2C in both WPs.

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CORAM : SARANG V. KOTWAL, J.
DATE : 17th APRIL 2023

P.C. :

1. Heard Mr. Rajaram P. Lote, learned counsel for the Petitioners, Mr. Mayuresh D. Modgi, Advocate for Petitioners in Writ Petition No.12634 of 2022 and Mr. C. G. Gavnekar, learned counsel for the Respondent Nos.2A to 2C.
2. The parties to the Writ Petition No.5172 of 2022 have entered into consent terms. The Petitioners were the Original Defendant Nos.1 to 4. The Respondent Nos.1A to 1D are the legal representatives of the Original Plaintiffs and the Respondent Nos.2A to 2C are the legal representatives of other Defendants in Special Civil Suit No.174 of 1999 before the 2nd Civil Judge, Senior Division, Kalyan. The suit was for partition.
3. Learned counsel appearing for the parties submitted that the Petition was filed at the stage of challenging Commissioner's report. In view of the settlement between the parties resulting into the Consent Terms; the parties shall approach the Trial Court for getting final decree in the suit. In

view of this common statement, learned counsel for the Petitioners prays for withdrawal of the Petition i.e. Writ Petition No.5172 of 2022. The Consent Terms are taken on record and marked 'X' for identification. Permission is granted. The Petition is allowed to be withdrawn and is disposed of as withdrawn.

4. The other Writ Petition i.e. Writ Petition (ST) No.1824 of 2020 (Writ Petition No.12634 of 2022) is filed by the Respondent No.1(a) to 1(d) in Writ Petition No.5172 of 2022, who are parties to the Consent Terms and there is reference in paragraph No.10 that even Writ Petition (ST) No.1824 of 2020 is covered by the Consent Terms and therefore learned counsel for the Petitioner in Writ Petition (ST) No.1824 of 2020 seeks withdrawal of this Petition. Permission is granted and even this Petition (i.e. Writ Petition No.12634 of 2022) is allowed to be withdrawn and is disposed of.

(SARANG V. KOTWAL, J.)