

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

**APPEAL FROM ORDER NO.320 OF 2023
WITH
INTERIM APPLICATION NO.3986 OF 2023**

Mr. Devdutt Kantaprasad Tupta ... Appellant
Versus
Mr. Dilip Kantaprasad Gupta & Ors. ... Respondent

...

Mr. Ashok M. Saraogi, for Appellant.
Mr. Rajiv Hangr, a/w. Mr. Deepraj Shetye for Respondent Nos.2 to
6 and 9.
Mr. Yash Saxena, i/b. Mr. Prajot H. Jaggi for Respondent No.8.

...

**CORAM: SANDEEP V. MARNE, J.
DATE : 18 OCTOBER 2023.**

P. C.:

The challenge in present Appeal is to the Order dated 20 February 2023 passed by the City Civil Court returning plaint. The suit has been instituted by the Appellant/Plaintiff *inter alia* seeking declaration of ownership in respect of the suit property.

2. Mr. Saraogi, the learned counsel appearing for Appellant/Plaintiff would submit that during pendency of the present Appeal, Plaintiff and Defendant Nos.2 to 6, 8 and 9 have amicably settled the dispute between them. He would submit that Plaintiff does

not desire to press the suit against Defendant Nos.1 and 7 at this stage.

3. Consent terms are tendered which are taken on record and marked 'X' for identification. The Advocates appearing for Defendant Nos.2 to 6, 8 and 9 undertake to file Vakalatnama during the course of hearing. Consent terms are signed by Plaintiffs as well as by Defendant Nos.2 to 6, 8 and 9. Their signatures are identified by the respective Advocates. Plaintiff and Defendant Nos.2 to 6, 8 and 9 are personally present in the Court and are identified by their respective Advocates. Accordingly the present Appeal is disposed of in view of consent terms. Nothing would survive in the S. C. Suit No.1353 of 2020 *qua* Defendant Nos.2 to 6, 8 and 9 and the same is also stands disposed of. So far as Defendant Nos.1 and 7 are concerned, Appellant / Plaintiff would be at liberty to initiate such proceedings as he desires if and when the occasion arises and as per the remedy available in Law.

4. With the above directions Appeal is disposed of. Nothing survives in the Interim Application and it is also disposed of.

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SANDEEP V. MARNE