

Nikita

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

SECOND APPEAL NO.287 OF 2023

Sampat Bhaguji Sanap and Ors. ... Appellants

V/s.

Sugandabai Tukaram Nagare (since
Deceased Thr. L.R.S. Valmik Tukaram
Nagare and Ors. ... Respondents

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Mr. Rohit D. Gorade i/b Mr. Rameshwar Gite for the
Appellants.

Mr. Sachin Gite, for the Respondents.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 7, 2023

P.C.:

1. At the outset, the learned counsel for the appellants seeks permission to delete respondent Nos. 2 and 3. They are permitted to be deleted at the risk of appellants.
2. The Appeal arises out of preliminary decree passed in a suit for partition. The Trial Court held plaintiff and defendant No.1 entitled to half share in the suit properties. The appellate Court confirmed the decree. The defendant No.1 has filed present appeal.
3. During pendency of the appeal, legal heirs of the plaintiff and defendant No.1 have entered into consent terms.

4. Consent terms are taken on record and marked “X” for identification.
5. Learned advocates for the parties state that parties to the consent terms are present in the Court. Statement is accepted. The effect of consent terms is that the legal representatives of plaintiff Sugandabai have relinquished her share in favour of defendant No.1. The payment of consideration of relinquishment as referred to in the consent terms is accepted by the legal representatives of Sugandabai.
6. The decree be modified in terms of the consent terms.
7. The Second Appeal stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)