
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.345 OF 2012
WITH
CIVIL APPLICATION NO.572 OF 2016

Thelapilly Varkey Joseph & Ors.

.. Applicants

Versus

Ahmedali Mohamed Merchan @ Thaver

.. Respondent

Mr. Benny Joseph a/w Mr. Ruben Vakil, Ms. Pallavii Kaamath i/by BJ Law Offices LLP, Advocates for the Applicants.

Mr. Aurup Dasgupta a/w Ms. Sonam Ghiya & Drshika Hemnani i/by Jhangiani, Narula & Associates, Advocates for Respondent.

CORAM : VINAY JOSHI, J.

DATE : 26 SEPTEMBER 2023

P. C.

1. Initially, Respondents-landlords have filed RAE Suit no. 582 of 2004 against the Applicants seeking eviction decree. The said suit was decreed. In turn, Applicants (Defendants) have filed First Appeal no. 1507/2009 before the Appellate Bench of Small Causes Court, Mumbai who in turn has dismissed the appeal. Being aggrieved by said order, the

Applicants (tenants) have filed this Civil Revision Application. The matter is admitted and fixed for final hearing.

2. During meantime, the parties have amicably settled the dispute out of the Court and filed consent terms which are taken on record and marked 'X' for identification. The consent terms are signed by Applicant nos. 1 and 3. Applicant no. 1 has also signed in the capacity of power of attorney holder of Applicant no.2. The power of attorney dated 20th November 2009 to that effect is annexed along with terms of compromise. The settlement terms are also signed by constituted attorney of Respondent who is son of Respondent. The power of attorney dated 3rd April 2001 to that effect has been filed on record. Today, Applicant no.1 in his personal capacity and as a power of attorney of Applicant no.2 along with Applicant no.3 are present in Court. Likewise, constituted attorney of Respondent is also present. Besides other terms it has been agreed that the Applicants (tenants) shall vacate the suit premises and in view of that the Respondent-landlord would pay a sum of Rs.38,00,000/- [Rupees Thirty Eight Lakhs only]. As a part of the settlement, the Applicants (tenants) have vacated the suit premises and

today handed over key to the Respondents in Court which the Respondent accepted. Likewise, the Respondent has today handed over a demand draft of sum of Rs.38,00,000/- [Rupees Thirty Eight Lakhs only] issued in the name of Applicant no.1 through their counsel which they accepted. The parties who are present in Court are identified by the respective counsel. On enquiry all of them have stated that they have gone through the terms of compromise and signed below it. Besides that the terms of compromise pertaining to delivery of possession and payment of Rs.38,00,000/- [Rupees Thirty Eight Lakhs only] have been explained to them to which they understood fully and accepted the same. Both the parties have undertook to owe their commitments that the Applicants stated that premises is vacant and ready for use, as well as Demand Draft would be honoured.

3. In view of above, compromise is accepted and the Revision Petition stands disposed accordingly.

4. All pending Civil Applications stand disposed.

[VINAY JOSHI, J.]