

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

WRIT PETITION NO.6092 OF 2016

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SUBHASH
PAREKAR

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Date: 2023.04.08
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Chandrakant Bapu Shelar
(Since deceased through LRs) and Others ...Petitioners
vs.

Tukaram Bapu Bhoir and Others ...Respondents

Mr. Sudhir Prabhu, for the Petitioners.
Mr. Milind Parab i/b. Milind Parab & Associates, for Respondent
Nos. 1 to 4.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 06, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The learned counsel for the petitioners seeks leave to delete respondent Nos. 5A to 5N and respondent No. 6 from the array of the parties. The learned counsel submits that the predecessor in title of respondent No. 5, and respondent No. 6 had sold the subject property to the petitioners.
3. The learned counsel for the petitioners and respondent Nos. 1 to 4 make a joint statement that the parties have amicably resolved the dispute and consent terms have been executed. The learned counsel seek leave to tender the consent terms.
4. The petitioner Nos. 1A, 1B and 1C are present. The Power of Attorney holders of the petitioner Nos. 2, 3 and 5 are present. The

respondent Nos. 1, 3 and 4 are present. Respondent No.1 is the Power of Attorney holder of respondent No. 2.

5. They admit the execution of the consent terms and contents thereof. The parties are identified by their respective advocates.

6. The consent terms are thus taken on record and marked X.

7. Paragraph 7 of the consent terms reads as under:-

7] In view of the above circumstances petitioners and respondent Nos. 1 to 4 have amicably settled their disputes and pray for order in following terms.

a. Respondent Nos. 1 to 4 have since withdrawn their tenancy claim which they had made in Tenancy Case No. 70(b)/12/2005 and consequently they are not pressing their Application No. 42 of 2008 for fixation of purchase price under section 32G of the Tenancy Act in respect of Gut No. 64 (Old survey No. 29/5) admeasuring Hec. 1, Are 41, situated at Mouje Vangani, Tal. Ambernath, Dist. Thane, as it has become infructuous.

b. By consent of the parties the judgment and order dated 25/04/2016 passed by the Maharashtra Revenue Tribunal Mumbai in Tenancy Revision No. 385 of 2011 be hereby set aside.

c. Parties to the petition have no claims against each other.

8. The petition stands allowed in accordance with the consent terms (X).

9. The impugned order passed in Revision Application No. 385 of 2011 dated 25th April, 2016 passed by the learned Member, Maharashtra Revenue Tribunal, Mumbai stands quashed and set aside.
10. There shall be no order as to costs.

(N. J. JAMADAR, J.)