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

**CIVIL REVISION APPLICATION NO.283 OF 2023
WITH
INTERIM APPLICATION NO.12640 OF 2023
IN
CIVIL REVISION APPLICATION NO.283 OF 2023**

Harsha Rajesh Shah ...Applicant

Versus

Shantikumar Dharamsey and Ors. ...Respondents

- Mr. Yogesh Gandhi, for the Applicant.
- Mr. R.D. Vora, for the Respondent.
- Mr. Rajesh Ramanlal Shah, Constituted Attorney of Applicant - present.
- Mr. Shantikumar Dharamsey, Respondent No.1 – present.

CORAM : MADHAV J. JAMDAR, J.

DATE : 27th JULY 2023

P.C. :

1. Heard Mr. Yogesh Gandhi, learned counsel appearing for the Applicant and Mr. R.D. Vora, learned counsel appearing for the Respondents.

2. Both the learned counsel state that the dispute between the parties has been settled in terms of the Consent Terms. Both of them state that Consent Terms have been executed by Mr. Rajesh Ramanlal Shah who is the husband of the Applicant and her Constituted

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Attorney. He is personally present in the Court. The Consent Terms are signed on behalf of the Respondents by Respondent No.1 – Mr. Shantikumar Dharamsey who is the Managing Trustee of Seth Khatau Morarji and Other Charitable Trust of Purshottam Shamji Charitable Trust. The Respondents are the Trustees of the said Trust.

3. By judgment and decree dated 5th February 2018 passed by the learned Judge, Small Causes Court, Bombay in R.A.E. Suit No.558/925 of 2011 filed by the Respondent i.e. Trustees of the said Trust against the present Applicant i.e. the Defendant eviction decree was passed inter alia on the ground of arrears of rent. The said decree has been confirmed by the learned Appellate Court. By the Consent Terms, the Applicant has accepted the said eviction decree and as the Applicant is facing certain health issues, the Respondents have agreed to allow her to withdraw the compensation which has been deposited before the Small Causes Court, Bombay along with accrued interest.

4. Accordingly, the said Consent Terms are taken on record and marked 'X' for identification. Certified copy of the power of attorney executed by the Applicant in favour of Mr. Rajesh Ramanlal Shah is also taken on record and marked 'X-1' for identification. Photocopies

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of Aadhar Cards of said Mr. Rajesh Ramanlal Shah as well as of Mr. Shantikumar Dharamsey Kapadia are also taken on record and marked as 'X-2' and 'X-3' respectively. Accordingly, Civil Revision Application is disposed of in terms of the Consent Terms.

5. Said Mr. Rajesh R. Shah who is the Constituted Attorney of the Applicant and husband of the Applicant gives an undertaking to this Court that the suit premises shall be vacated on or before 31st July 2023. The Applicant through Constituted Attorney is permitted to withdraw the amount which has been deposited before the Small Causes Court, Bombay along with accrued interest after possession of the suit premises is handed over to the Respondents.

6. Civil Revision Application is accordingly disposed of in above terms with no order as to costs. In view of the disposal of the Civil Revision Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]