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

**SECOND APPEAL NO.459 OF 2019
WITH
CIVIL APPLICATION NO.1104 OF 2019**

Shri. Keshav Bhalchandra Gurav & Ors. ...Appellants
Versus
Shri. Manohar Shankar Gurav ...Respondent

Mr. V. S. Kapse a/w. Mr. Ajit S. Hodage, for the Appellants.

Mr. Prithviraj S. Gole, i/b. Anusha P. Amin, for the Respondent.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 17th APRIL 2023**

P.C. :

1. On the earlier occasion, I heard Mr. Vishwajeet Kapse, learned counsel appearing for the Appellants and Mr. Sandesh Patil, learned counsel appearing for the Respondent.

2. After matter was argued for some time, with the efforts of both the learned counsel, the matter has been settled amicably between the parties. Today, Mr. Kapse, learned counsel appearing for the Appellants and Mr. Gole, learned counsel appearing for the Respondent tender the Consent Terms signed by the Appellants as well as the Respondent. The Consent

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Terms are also signed by the learned Advocate of the Appellants and learned Advocate of the Respondent. The Appellant No.2-Santosh Keshav Gurav has signed the Consent Terms on his own behalf and on behalf of Appellant Nos.1, 3 and 4 as their Constituted Attorney. A copy of registered Power of Attorney executed by Appellant Nos. 1, 3 and 4 in favour of Appellant No.2 is annexed to the Consent Terms. The Consent Terms are also signed by the sole Respondent-Manohar Shankar Gurav. Learned Advocates appearing for the respective parties identifies respective signatures of the parties. The said Appellant No.2-Santosh Keshav Gurav and sole Respondent-Manohar Shankar Gurav are present in Court and they confirm that dispute between the parties has been settled and the Consent Terms are arrived at between the parties as per the said settlement. The said Consent Terms are taken on record and marked 'X' for identification.

3. A soft copy of the Consent Terms will be uploaded as the second order in the matter.

4. The undertakings given in the Consent Terms including given in paragraphs Nos. (D), (E), (F) and (H) are accepted.

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5. Accordingly, the Second Appeal is disposed of in terms of the Consent Terms and the said Special Civil Suit No.117 of 2012 is decreed in terms of the Consent Terms and the decree passed in the said suit as confirmed by the learned First Appellate Court stands modified in terms of the Consent Terms.

6. The Second Appeal is disposed of in above terms with no order as to costs.

7. In view of the disposal of the Second Appeal, nothing survives in the Civil Application and the same is also disposed of.

8. Refund of Court fees as per the provisions of law is permitted.

[MADHAV J. JAMDAR, J.]