



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

**CIVIL REVISION APPLICATION NO. 488 OF 2012**

New Dholera Shipping & Trading  
Co. Ltd.

..Applicant.

v/s.

M/s. Bombay Wimco Matches  
Distributing Company  
And Ors.

..Respondents

Mr. Jacinta A. D'Souza for the Appellant/Applicant.

Mr. R.D.Vora for the Respondent No.1.

**CORAM : ANUJA PRABHUDESSAI, J.  
DATED :3<sup>rd</sup> OCTOBER, 2023.**

**P.C.**

. The applicant- Original Obstructionist No.1 in Obstruction Notice no.32 of 2002 had challenged the order dated 9.4.2012 passed by the Appellate Bench of the Small Causes Court in Execution Appeal No. 389 of 2004.

2. The Respondent No.1, who was the original plaintiff had filed RAE Suit against one Vasant Kumar Hansraaj, the original defendant in the suit. The said suit was decreed with direction to hand over

possession and to pay arrears of rent. The execution was filed and the respondent no.3 obstructed execution of the warrant of possession. Hence Obstruction Notice No. 32 of 2002 came to be filed before the Small Causes Court. By order dated 30.01.2014 the said notice was made absolute with further direction to execute the decree by removing the obstruction caused by the obstructionist. Being aggrieved by the said order, the applicant herein filed an appeal before the Appellate Bench of the Small Causes Court. The Appellate Bench dismissed the said appeal by order dated 09.04.2012. Being aggrieved by the said order, the applicant, who is the original obstructionist no.1 has filed this application under Section 115 of CPC.

3. The learned Counsel for the Applicant and the Respondent No.1-original plaintiff state that the parties have settled the matter amicably. They have placed on record copy of the consent terms which are duly signed by the Constituted Attorney of the Applicant No.1 and the Respondent No.1. The said consent terms read thus:

### **CONSENT TERMS**

*The above matter is contested between the Applicants and Respondent No. 1 only, since the Trial Court and Appellate Court. The Respondent No. 2 to 5 are not contesting the matter and are joined as only formal parties.*

*The Applicants as well as the Respondent No.1 have decided to put an*

*end to the litigation and have amicably arrived at a settlement and are desirous of putting an end to the above matter peacefully by means of settlement as per the terms and conditions agreed between the parties as below.*

*THE TERMS AND CONDITIONS AGREED BETWEEN THE PARTIES;*

*a) It is agreed between the parties to amicably settle the above Civil Revision Application. The Applicants shall withdraw the above Civil Revision Application and shall not press for any reliefs.*

*b) The Respondent No. 1 shall be entitled to withdraw the compensation amount deposited by the Applicants in the Small Causes Court i.e. the compensation deposited from 1<sup>st</sup> January, 2013 till date, with interest accrued thereon and the Applicants have no objection for the same.*

*c) In view of the aforesaid arrangement the Respondent No.1 shall permit the Applicants to retain the possession of the suit premises and the Respondent No. 1 shall not execute the decree/order dated 31-1-2004 passed by the Hon'ble Trial Court and further the order dated 9-4-2012 passed by the Hon'ble Appellate Court and mark as decree fully satisfy, as the Respondent No.1 have received the consideration by way of compensation from the Applicants.*

*d) In view of the aforesaid terms of settlement entered between the Applicants and Respondent No.1 the Applicants will withdraw the above Civil Revision Application.*

e) *The Civil Revision Application may be disposed of in terms of the consent term entered between the parties.”*

4. The Constituted Attorney of the Applicant No.1 and the Respondent No.1 are present before this Court. They have identified their signatures and confirmed the contents of the said consent terms. The terms are agreeable to the parties, hence taken on record. The statements made are accepted as undertaking to the Court.

5. CRA stands disposed of in view of the consent terms.

**(ANUJA PRABHUDESSAI, J.)**