

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

**FIRST APPEAL NO.929 OF 2019
WITH
INTERIM APPLICATION NO.936 OF 2023
IN
FIRST APPEAL NO.929 OF 2019**

Rohinton Jamshetji Turel & Anr. ...Appellants

VS.

Pallonji Shapoorji Mistry Trustee & Ors. ...Respondents

Adv. Preet Chheda for the Appellants

Adv. Dhruv Dardekar i/b Desai & Diwanji for the Respondents.

CORAM : KISHORE C. SANT, J.

DATED : 12TH DECEMBER, 2023

P.C.:

1. The parties have presented Consent Terms. Appellant No. 1 is present through Video Conference and Appellant No. 2 is personally present in the Court. Both the Appellants are duly identified by their Advocate. Representative of Respondent Nos. 1 to 4 - Ms Vidya Baranwal is present in the Court. Copy of the board resolution authorizing her is placed on record.

2. The Consent Terms states that Appellants submit to the decree passed by learned Sessions Judge in Suit No. 9566 of 1993. The Respondents, however, on humanitarian ground would allow the Appellants to occupy the premises in lieu of the amount of

Rs.500/- per month to be paid to the Respondents/Original Plaintiffs. Respondents shall allow Appellants to stay in the premises subject to above terms.

3. The contents of the Consent Terms are verified from the representative of Respondents, Appellant No. 1, who is present through Video Conference and Appellant No. 2, who is present in the Court.

4. The Consent Terms are taken on record and marked as "Annexure-X" for the purpose of identification.

5. In view of the Consent Terms, Appellants seek liberty to withdraw the First Appeal. The First Appeal stands disposed of as withdrawn in view of the Consent Terms.

6. Pending Interim Application also stands disposed of.

7. Needless to say that interim order, if any, granted earlier stands vacated.

(KISHORE C. SANT, J.)