

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

FIRST APPEAL NO. 33 OF 2019

Sumermal Mishrimal Bafna (Since deceased)

Through L.Rs. -

1-a Godavari Sumermal Bafna (Since deceased)

1-b Prithviraj Sumermal Bafna And Ors. ... Appellants

Versus

Nihalchand Menichand Kothari

(since deceased) Through L.Rs.

1.a- Sarita Nihalchand Kothari And Ors. ... Respondents

WITH

FIRST APPEAL NO. 852 OF 2019

Nihalchand M. Kothari

(since deceased) Through L.Rs.

1.a- Sarita Nihalchand Kothari And Ors. ... Appellants

Versus

1-a Godavari Sumermal Bafna

(Since deceased) Through L.Rs.

1-b Prithviraj Sumermal Bafna And Ors. ... Respondents

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Mr. Vivek Kantawala a/w Mr. Amey Patil i/b M/s. Vivek Kantawala and Co., for the Appellants in FA No. 33 of 2019 and for the Respondents in FA No. 852 of 2019

Ms. Swati Chinnadorai i/b Akshay P. Jadhav, for the Respondents in FA No. 33 of 2019 and for the Appellants in FA No. 852 of 2019.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 13th JUNE, 2023.

P.C.

Parties in both the Appeals have amicably settled the dispute and have tendered the Consent Terms. All the parties are present before the Court today except Respondent No.2-a Manjula Jamnadas Choksi. It is submitted that she has given Power of Attorney to Kiran Jamnadas Choksi, her son.

2 Upon being asked, the parties state that the Consent Terms have been duly understood and have been signed by their free will. Self attested photostat copies of the Adhar Cards of all the parties have also been tendered which shall be annexed along with the Consent Terms.

3 The parties have submitted draft of Minutes of Order and requested for disposing the appeals in view of the Consent Terms. Draft of Minutes of Order are reproduced below, which read as under:

MINUTES OF ORDER

1. The Consent Terms dated 13th June, 2023 are taken on record and marked “X” for identification.

2. Order in terms of the Consent Terms. First Appeal No. 33 of 2019 is allowed and First Appeal No. 852 of 2019 and Suit No. 7574 of 1981 stand dismissed in terms of the Consent Terms dated 13th June, 2023.
3. Liberty to plaintiff to withdraw the sum of Rs.27,81,500/- deposited to the credit of suit account along with any accretions thereon as on date.
4. Refund of Court Fees as per rules.
5. The undertakings in the Consent Terms are accepted as undertaking given to this Hon'ble Court.
6. The Lis Pendens registered pursuant to the above Suit to stand forthwith cancelled and discharged.
7. Parties to act on authenticated copy of this Order.
8. Execution on authenticated copy without the requirement of a formal drawing up of the Order.

[PRITHVIRAJ K. CHAVAN, J.]