

Arjun

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

SECOND APPEAL NO.542 OF 2022

Ramchandra Dnyanu Pawar

...Appellant

V/s.

Dnyanu Damu Pawar

...Respondents

(Since deceased through legal heirs)

Prakash Dnyanu Pawar & Ors.

Mr. Mahindra Deshmukh, for the Appellant.

Mr. Prasad Avhad, for Respondent Nos.2 to 5 and 7 to 9.

Mr. Ramchandra D. Pawar-Appellant present.

Mr. Vilas D. Pawar-Respondent No.3 present.

Smt. Draupada G. Suryavanshi-Respondent No.9 present.

CORAM : MADHAV J. JAMDAR, J.

DATE : 31st JANUARY, 2023

P.C.:

1. At the outset, learned counsel appearing for the Appellant seeks deletion of name of Respondent Nos.10 to 13.

Amendment be carried out forthwith.

2. Mr. Mahindra Deshmukh, learned counsel appearing for the Appellant and Mr. Prasad Avhad, learned counsel appearing for Respondent Nos.2 to 5 and 7 to 9 tenders 'Consent Terms' dated 31st January, 2023.

3. The said 'Consent Terms' are executed by Appellant-Ramchandra D. Pawar and Respondent No.3-Vilas D. Pawar who is also constituted Attorney of Respondent Nos.2, 4, 5, 7 and 8. The 'Consent Terms' are also executed by Respondent Nos.2, 4, 5, 7 & 8 and thumb impression of Respondent No.9 is appearing on the 'Consent Terms'. The Appellant-Ramchandra D. Pawar, Respondent No.3-Vilas D. Pawar i.e. constituted Attorney of Respondent Nos.2, 4, 5, 7 and 8 and Respondent No.9-Draupada G. Suryavanshi are personally present in Court. The Appellant and Respondent who is also constituted Attorney of Respondent Nos.2, 4, 5, 7, 8 and 9 are present in Court and states that, the 'Consent Terms' are arrived at as per the compromise between the parties.

4. Learned counsel appearing for the Appellant and learned counsel appearing for Respondent Nos.2 to 9 (except Respondent No.6) identifies the persons who are present in Court and also identifies the signatures of the parties appearing on the 'Consent Terms'. The 'Consent Terms' are taken on record and marked "X" for identification. Photocopies of identity cards of the aforesaid persons who are personally present in Court are tendered by both the

Advocate. The same are also taken on record and marked “X1” for identification. Both the learned Advocate have also tendered photocopy of Power of Attorney dated 9th January, 2023 issued in favour of Vilas D. Pawar. Copy of said Power of Attorney is taken on record and marked “X2” for identification.

5. In view of the ‘Consent Terms’, the Judgment and Decree dated 1st March, 2021 passed by the learned Principal District Judge, Sangli in Regular Civil Appeal No.111 of 2016 as well as the Judgment and Decree dated 10th February, 2016 passed by the learned Joint Civil Judge, Junior Division, Vita in Regular Civil Suit No.4 of 2012 are quashed and set aside the the said Regular Civil Suit No.4 of 2012 is decreed in terms of the ‘Consent Terms’.

6. Accordingly, the Second Appeal is disposed of in terms of the ‘Consent Terms’ with no order as to costs.

(MADHAV J. JAMDAR, J.)