

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18687 OF 2022

IN

SECOND APPEAL NO.256 OF 2021

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Dashrath Haridas Hagavane

...Applicant

In the matter between

Smt. Lilavati Navanath Dongare & Ors.

...Appellants

V/s.

Shri. Dashrath Haridas Hagavane & Ors. ...Respondents

Mr. Vaibhav R. Gargade, for the Applicant.

Mr. Sanjeev P. Kadam a/w Mr. Pratik P. Deshmukh i/b
Prashant P. Raul, for the Appellants in SA/256/2021 and
for the Respondent No.2 in IA/18687/2022.

CORAM : MADHAV J. JAMDAR, J.

DATED : AUGUST 7, 2023

P.C.:

1. The Interim Application is taken out by the Applicant who is original Respondent No.1 seeking to recall/set aside order dated 18th July 2022 passed in terms of the Consent Terms dated 5th July 2022 in Second Appeal No.256 of 2021.

2. The Respondent No.1 is the original Plaintiff and he filed suit seeking specific performance of contract dated 13th

April 2007. As per the said contract, the Applicant i.e. Plaintiff agreed to purchase the suit property for consideration of Rs.3,25,000/- and paid an amount of Rs.1,00,000/- to the original owner i.e. Defendant No.1.

3. The learned Trial Court decreed the suit by directing that Defendant No.1 shall execute sale deed of suit property in favour of the Plaintiff by accepting the remaining balance consideration of Rs.2,25,000/-. The learned First Appellate Court dismissed the Appeal filed by original Defendant Nos.3 to 5.

4. This Second Appeal has been admitted by order dated 18th October 2019. Thereafter, parties arrived at the settlement and executed the Consent Terms dated 5th July 2022. The Consent Terms bears signature of Respondent No.1/Plaintiff i.e. present Applicant-Dashrath Haridas Hagavane.

5. A learned Single Judge by order dated 18th July 2022 disposed of the Second Appeal in terms of the Consent Terms.

6. As per the Consent Terms, Respondent No.1 i.e. present Applicant received the consideration of Rs.14,00,000/- from

the Appellants as per the following details :

“a) Rs.5,75,000/- through DD No. 250640 dated 15.06.2022 of Pune District Central Co-op. Bank Ltd., Pune, Branch : Redani, Taluka : Indapur, District : Pune.

b) Rs. 8,25,000/- through DD No. 250641 dated 15.06.2022 of Pune District Central Co-op Bank Ltd., Pune, Branch : Redani, Taluka : Indapur, District : Pune.”

7. Mr. Gargade, learned counsel appearing for the Applicant after taking instructions from the Applicant-Dashrath Haridas Hagavane who is personally present in the Court states that he has instructions to withdraw the present Interim Application No.18687 of 2022.

8. The Applicant-Dashrath Haridas Hagavane is personally present in the Court and states that the Interim Application be allowed to be withdrawn. He also tenders writing dated 7th August 2023 to that effect. The said writing is taken on record and marked “X” for identification. The Applicant-Dashrath Haridas Hagavane also tenders attested photocopy of Pan Card. The said photocopy is taken on record and marked ‘X1’ for identification.

9. Accordingly, the Interim Application is allowed to be withdrawn and dismissed as such.

[MADHAV J. JAMDAR, J.]