

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6922 OF 2017**

Pandita Ramabai Mukti Mission

.. Petitioner

Versus

Santosh Baban Tadge and Ors.

.. Respondents

.....

- Mr. Vilas B. Tapkir, Advocate for Petitioner
- Mr. Pranav H. Bhoite, Advocate for Respondent No.1
- Mr. S.D.Rayrikar, AGP for Respondent No.7 - State
- Respondent Nos. 1 to 3 are present in person

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CORAM : MILIND N. JADHAV, J.**DATE : FEBRUARY 08, 2023.****P.C.:**

1. Heard Mr.Tapkir, learned Advocate for Petitioner; Mr. Bhoite, learned Advocate for Respondent No.1 and Mr. Rayrikar, learned AGP for Respondent No.7.

2. At the outset Mr. Tapkir submits that he has instructions to delete the Respondent Nos. 4 to 6 from the array of the parties in the present Writ Petition. He therefore urges the Court to allow him to amend the Writ Petition.

3. Leave to amend is granted.

4. Amendments to be carried out forthwith. Re-verification is dispensed with.

5. Mr. Tapkir would further submit that in so far as Petitioner and Respondent Nos. 1 to 3 are concerned, the parties have arrived at an amicable settlement / compromise as per the Consent Terms dated 08.02.2023.

6. Both Mr. Tapkir and Mr. Bhoite and their respective clients who have signed the Consent Terms and are also present in the Court before me undertake to the Court that none of the terms and obligations mentioned in the Consent Terms would impinge upon the rights of the deleted Respondents.

7. The undertakings recorded in the Consent Terms are accepted as undertakings given to this Court.

8. Consent Terms dated 08.02.2023 alongwith two maps A1 and A2 are taken on record and marked “X” for identification. For brevity the Consent Terms, excluding the maps are scanned and reproduced in the present order as under:-

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Tendered in court
Ravi
Sharma
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6922 OF 2017

DISTRICT: PUNE

Pandita Ramabai Mukti Mission,
Through its Chief of Operations,
Shri Anil Francis .. Petitioner

V/s

Shri Santosh Baban Tadge & Ors....Respondents

CONSENT TERMS

1. The Respondents No.1 to 6 herein filed application u/s.143 of the MLRC, before the Respondent No.7 herein for Road from the Border in respect of their land i.e. Gat No.126, 125, 124 and 123 from the land of the petitioner i.e. Gat No.193, 151 and 127. The Respondents No.7 herein allow the application by an order dated 15.12.2013 in SR No.17 of 2013 and thereby allow the road from the Gat No.151, 193 and 149 by the said order virtually road is granted through

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the lands of the petitioners i.e. Gat No.193, 127 and 151,

2. The Petitioner herein filed Regular Civil Suit No.60 of 2014 before the Ld. Civil Judge Junior Division, Daund, District Pune against the Respondent No.1 to 7 herein and thereby challenges the order dated 15.12.2013 passed by Respondent No.7 herein. The Petitioner herein filed an application below Exhibit - 5 and the said application came to be rejected against which the Misc. Appeal No.57 of 2015 came to be filed before the Ld. District Judge - 1, Baramati, District Pune and by impugned order dated 15.10.2016, the MCA No.57 of 2015 came to be rejected, against which the present Writ Petition came to be filed. Subsequently suit came to be transferred to Civil Judge, Senior Division, Baramati, District Pune and same is numbered as Regular Civil Suit No.20 of 2017.

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3. This Hon'ble Court by an order dated 21st November 2022, directed the Respondent No.7 to file Affidavit in Reply and take appropriate instruction. In pursuance of the order dated 21st November 2022 the Respondent No.7 herein filed a Affidavit in Reply dated 17.1.2023 before this Hon'ble Court and Map is annexed as Exhibit 'R2' on Page No.84.

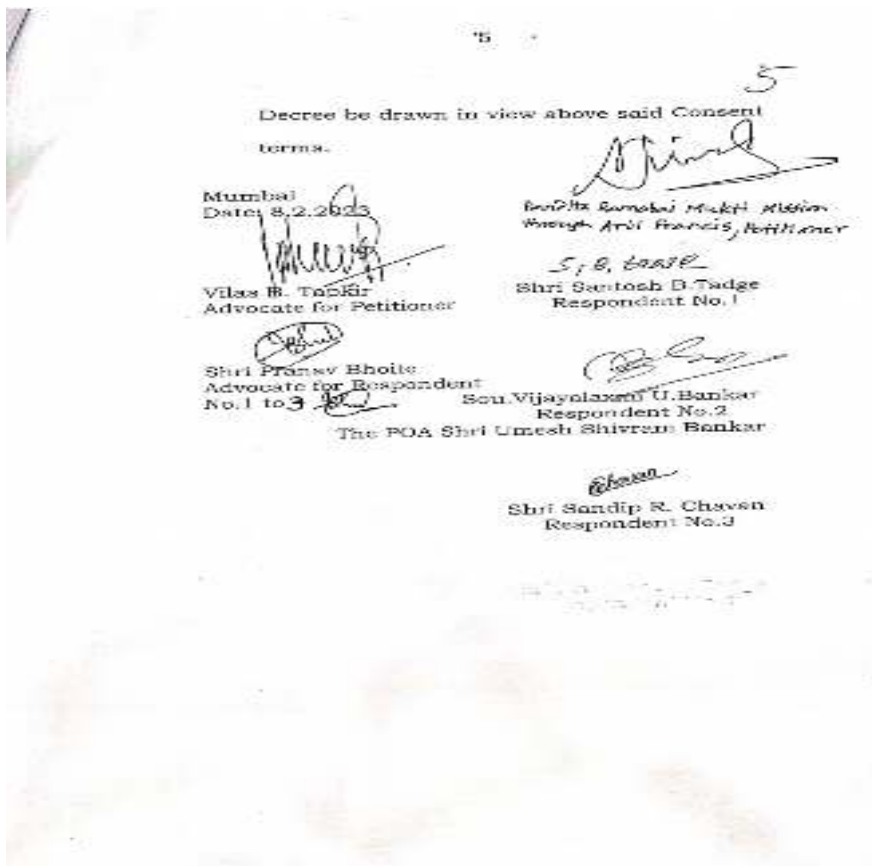
4. The Petitioner as well as Respondent No.1 to 3 are agreeable to the Map and also agreeable to the alternative road shown in the Map which is annexed as Exhibit 'R2' on page No.84 of the Affidavit in Reply dated 17.1.2023 a copy of the Map which is annexed as Exhibit 'R2' to the Reply is annexed herewith as Annexure-A1.

5. The Petitioner is also agreeable that in addition to road shown in the Map which is annexed as Annexure A-1, hereinabove the

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 petitioner will allow access to the Respondent No.1 to 6 herein, from Gat No.151 to the extent of 6 feet from East to West for Gat No.124 upto Gat No.126 from North side and also the Respondent No.1 to 3 agreeable that they will allow access to each other to the extent of 6 feet from Gat No.124, 125 & 126 from South side. The Respondent No.1 to 3 are also agreeable and they have no objection for the alternative road as shown in the Map which is annexed as Exhibit 'R2' on page No.84 of the Affidavit in Reply dated 17.1.2023, including the road as mention in the clause - 5 hereinabove. A copy of the Map is annexed herewith and marked as Annexure 'A2'.

6. In view of above said Consent Terms, the Writ Petition be disposed off and also further be please to direct the Ld. Civil Judge Senior Division, Baramati, District Pune, to dispose of the Regular Civil Suit No.20 of 2017 and



9. Writ Petition is disposed in view of the aforesaid Consent Terms.
10. Petitioner and Respondent Nos. 1 to 3 are present in Court and they confirm to the Court that they have understood the terms mentioned in the Consent Terms through their respective Advocates.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date: 2023.02.13
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