

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.550 OF 2020
WITH
INTERIM APPLICATION NO.4303 OF 2019
IN
SECOND APPEAL NO.550 OF 2020**

Jaysingh Bapu Gole ...Appellant

Versus

Bhiva Ramchandra Talekar

Since deceased through his heirs &

legal representatives

1. Sunita Bhiva Talekar & Ors. ...Respondents

Mr. Dilip Bodke, for the Appellant/Applicant.

Mr. Suresh Kamble a/w Mr. Sagar Talekar, for the Respondents.

CORAM : MADHAV J. JAMDAR, J.

DATE : 04th May 2023

P.C.:

1. Mr. Bodke, learned counsel appearing for the Appellant and Mr. Kamble, learned counsel appearing for the Respondents tender the Consent terms. The Consent Terms are signed by the Appellant as well as the Respondents. The respective Advocates identify the signatures of the respective parties. The Appellant - Jaysingh Bapu Gole as well as all the Respondents i.e. Sunita Bhiva Talekar, Ragini Bhiva Talekar, Tejasvi Bhiva Talekar, Rasika Bhiva Talekar & Raj Bhiva Talekar are present in court.

2. The Appellant and the Respondents confirm that, the dispute in the Second Appeal is settled between the parties and the Consent terms are arrived at as per the said settlement.

3. Learned counsel appearing for the Appellant and the Respondents state that, amount of Rs. 5,50,000/- as mentioned in Clause No. 4 is received by the Respondents by way of Demand Draft and balance amount of Rs. 1,50,000/- will be paid afterwards. The said Consent terms are taken on record and marked 'X' for identification.

4. Accordingly, the judgment and decree dated 27th August, 2019 passed by the learned First Appellate Court in Regular Civil Appeal No. 64 of 2012 and judgment and decree dated 20th October, 2012 passed by the learned Trial Court in Regular Civil Suit No. 99 of 2001 is quashed and set aside and the said Regular Civil Suit No. 99 of 2001 is decreed in terms of the Consent terms.

5. The Second Appeal is disposed of in terms of the Consent terms with no order as to costs.

6. In view of disposal of Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

(MADHAV J. JAMDAR, J.)