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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 180 OF 2021
WITH
INTERIM APPLICATION NO. 136 OF 2022
IN
SECOND APPEAL NO. 180 OF 2021**

M/s. Kachhi and Bartakke Associates
Thr. Partners Salim Gaffar Kachhi
and others

.....Appellants

Vs.

Nanasaheb Vitthal Jagtap and Ors

.....Respondents

Mr. Sugandh B. Deshmukh for the appellants
Mr. S. D. Patil for respondent no. 1

CORAM : GAURI GODSE, J.

DATE : 7th AUGUST 2024

ORDER:

1. Learned counsels for the parties submit that the appellants and respondent nos. 1 and 2 have amicably settled the dispute. They have tendered consent terms notarized on 6th August 2024. Consent terms are signed by one of the partners and power of attorney for other partners i.e. all the appellants. Consent terms are signed by

respondent no. 2 for himself and as power of attorney for respondent no. 1. Consent terms are signed by their respective advocates.

2. Copies of power of attorney are also tendered and are taken on record. Photocopies of power of attorney to be treated as part of the consent terms. Consent terms are taken on record and marked 'X' with today's date for identification purpose.

3. Learned counsel for the appellants submits that in view of the consent terms, appellants are seeking leave to delete respondent nos. 3 to 5 who are the original owners. He submits that in view of the consent terms between the appellants and respondent nos. 1 and 2, the decree against respondent nos. 3 to 5 will not be executed.

4. I have perused the consent terms. Consent terms are legal and valid.

5. Signatories to the consent terms are present in the Court and they admit their signatures as well as the terms and conditions of the consent terms to be true and correct.

6. Undertakings in the consent terms regarding payment is accepted as an undertaking to this Court.

7. In view of the aforesaid, learned counsel for the appellants is permitted to delete respondent nos. 3 to 5. Amendment to be carried out forthwith.

8. Second appeal is disposed of in terms of the consent terms.

9. In view of disposal of second appeal, pending Interim Application No. 136 of 2022 is disposed of as infructuous.

[GAURI GODSE, J.]