

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 219 OF 2018
WITH
CIVIL APPLICATION NO. 1287 OF 2016
IN
SECOND APPEAL NO. 219 OF 2018**

Pandurang Dattatray Gurav

.....Appellant

Vs.

Murari Laxman Gurav and anr

.....Respondents

Mr. Abhinandan B. Vagyani i/b Mr. Ashish Pawar, Ms. D. A. Vagyani for the appellant

Mr. C. M. Lokesh for respondent no. 1

Mr. Chandrakant Yadav for respondent no. 2

CORAM : GAURI GODSE, J.

DATE : 4th DECEMBER 2024.

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ORDER:

1. Learned counsels for the parties have tendered the consent terms notarized on 3rd December 2024 at Kolhapur. The consent terms are signed by the parties and their respective advocates.

2. Learned counsel for the respondent no. 1 submits that earlier advocate appearing for respondent no. 1 has given no objection and

he would file his Vakalatnama on behalf of respondent no. 1.

3. Learned counsels for the parties have also tendered settlement terms dated 11th October 2024 which were executed by the parties in Marathi. Learned counsels for the parties submit that in view of the settlement between the parties, the consent terms dated 3rd December 2024 are executed.

4. The consent terms dated 3rd December 2024 and the settlement dated 11th October 2024 are taken on record and marked as 'X' and 'X1' respectively with today's date for identification.

5. Learned counsels for the respective parties submit that the parties are unable to attend the Court and the parties have authorised the advocates to tender the consent terms. Learned counsels for the parties submit that the contents of the consent terms are explained to the parties in Marathi and the consent terms are notarized. The parties and their signatures are identified by their respective advocates.

6. I have perused the consent terms and the settlement agreement. The terms between the parties are legal and valid.

7. The second appeal is disposed of in terms of the consent terms dated 3rd December 2024. The impugned judgments and decrees

stand modified in terms of the consent terms. The settlement dated 11th October 2024 to be treated as part of the consent terms.

8. In view of disposal of the second appeal, Civil Application No. 1287 of 2016 is disposed of as infructuous.

9. The appellant would be entitled to refund of Court fees, if permissible, as per the applicable Rules.

[GAURI GODSE, J.]