

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.57 OF 2006
WITH
INTERIM APPLICATION NO.731 OF 2022**

Habimabi Abdul Malik & Ors. ..Appellants

Versus

Bismilla Mohamed Umer
Since deceased through legal heirs
Jaibunisa B. Shaikh & Ors. ..Respondents

Mr. S. G. Deshmukh, for the Appellants.
Ms. Taiyaba Kazi a/w Abdul R. Shaikh, for the Respondent No.2.
Mrs. S. S. Dukhande, Section Officer from Court Receiver – present.

CORAM : KISHORE C. SANT, J.

DATE : 25th APRIL, 2024

PC.

1. Parties have entered into consent terms, whereby the Respondent No.2/original Plaintiff has agreed to withdraw the suit and consequently the Appeal is also withdrawn by the Appellants. Parties are present and duly identified by the respective advocates. The consent terms are signed by the parties. Parties have further accepted that the amount which is deposited with the Court Receiver shall be withdrawn by the Appellants by deducting the cost charges and expenses of the Court Receiver. Appellants shall be entitled to withdraw the amount of royalty with interest accrued thereon by deducting the charges and expenses of the Court Receiver.

2. In view of the settlement, the Appeal stands disposed of. The Court Receiver stands discharged without passing accounts.
3. The First Appeal stands disposed of as withdrawn in view of the consent terms which are taken on record and marked as “Annexure-X” for the purpose of identification.
4. Pending Interim Application also stands disposed.

[KISHORE C. SANT, J.]