

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Second Appeal No.131 of 2010

a/w

Interim Application No.1765 of 2023

a/w

Interim Application No.7250 of 2024

in

Second Appeal No.131 of 2010

Abdul Gani Abdul Razzak Shaikh Appellant.

Vs.

Abdul Kadir Ammubhai Momin

(since deceased) through his LR's

1(a) Smt Rafika Kadir Momin & Ors. Respondents.

Mr Sachin Punde for appellant.

Mr SR Page a/w Archana Joglekar a/w Ruchi Umrotkar for
respondents No.1A and 1B.

Ms Ashwini B. Jadhav i/by Sanjay Ghaisas for respondents Nos.2A
and 2B.

Coram : R. N. Laddha, J.

Date : 19 April 2024.

P.C. :

Learned Counsel for the parties jointly submit that the parties have arrived at an agreement/arrangement in terms of which this second appeal can be disposed of and placed on record the Minutes of the Order, which is taken on record and marked as "X"

for identification.

2. Given the above, the present Appeal stands disposed of in the following terms :

MINUTES OF THE ORDER

"1) The contesting parties have amicably settled their disputes. The Appellant and Respondents No. 1(a) and 1(b) have entered into a Memorandum of Understanding dated 26/12/2023 and the same is notarized before a notary Public on 02/01/2024. A copy of the said Memorandum of Understanding is annexed to Interim Application No. 7250 of 2024 and the Appellant and Respondents No. 1(a) and 1(b) confirms the terms and conditions of the said notarized Memorandum of Understanding dated 26/12/2023.

2) It has been agreed between the parties that the Appellant will withdraw the entire amount of Rs. 4,20,000/(Rupees Four Lac Twenty Thousand Only), which is deposited by him in this Honourable High Court, along with accrued interest thereon. Therefore, the Registry of this Honourable Court may be directed to pay an amount of Rs. 4,20,000/(Rupees Four Lac Twenty Thousand Only) to the Appellant along with accrued interest.

*3) The Respondents No. 1(a) and 1(b) will pay an amount of Rs.12,00,000/(Rupees Twelve Lacs Only) to the Appellant **on or before 31/07/2024.***

4) The Appellant upon receipt of the aforesaid both amounts will hand over the possession of

the Suit Property (tented premises) ie. Two Rooms each admeasuring 12 feet by 10 feet together with loft and eastern-side gallery situated on the third floor in the building situated on CTS No. 1741 Shukrawar Peth, Pune to the Respondents No. 1(a) and 1(b).

5) Thus, upon above terms the Appellant withdraws the present Second Appeal.

6) Liberty to the parties to approach this Honourable High Court in the event of difficulty in compliance of Minutes of Order."

3. In view of this, office to draw a Consent Decree as per the Minutes of the Order. The appeal stands disposed of accordingly. As a sequel, the pending interim applications also stand disposed of.

[R. N. Laddha, J.]