



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 678 OF 2017
WITH
CIVIL APPLICATION NO. 1295 OF 2017

Milind Ramakant Surve and Ors.

... Appellants.

Versus

Nisar Ibrahim Solkar and Anr.

... Respondents.

Mr. Rakesh Bhatkar a/w. Mr. Mohit Dalvi, for the Appellants.
Mr. Sudhir Prabhu, for the Respondent Nos. 1 and 2.

Coram : Sharmila U. Deshmukh, J.

Date : March 27, 2024.

P. C. :

1. After arguing for considerable time, learned counsel appearing for the parties have arrived at consensus that the judgment of the Appellate Court should not be disturbed and as regards the permission which is required to be obtained under Section 43(1) of the Bombay Tenancy and Agricultural Lands Act, 1948 to be obtained through the Court Commissioner to be appointed by the Executing Court.

2. In view of the consensus which has been arrived at between the parties, Clause (3) of the impugned judgment dated 24th January, 2017 stands modified to read as under:

“The requisite permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 to be obtained through Court Commissioner to be appointed by the Executing Court. Upon the permission being obtained, the defendant to execute sale-deed.”

3. Rest of the clauses of the said judgment stands undisturbed. Needless to clarify that both the parties to co-operate in obtaining the necessary permission.
4. Second Appeal stands disposed of in view of consensus as stated above. In view of the disposal of second appeal, civil/interim application(s) taken out in this appeal, if any, does not survive and the same is disposed of.

[Sharmila U. Deshmukh, J.]