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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.7674 OF 2023
IN
CIVIL REVISION APPLICATION NO.290 OF 2009
WITH
INTERIM APPLICATION NO.7673 OF 2023

Shirish K. Joshi

...Applicant

IN THE MATTER BETWEEN :

Smt.Smita R. Atre & Ors.

...Petitioners

V/s.

Shirish K. Joshi

...Respondent

Mr.Mahesh Rawool i/b Mr.Avinash Avhad for the Applicant in IA No.7674 of 2023 and for the Respondent in CRA No.290 of 2009.

Ms.Janhvee Joshi i/b Mr.Sanjay Gawde for the Applicant in CRA No.290 of 2009.

CORAM : RAJESH S. PATIL, J.

DATE : 5TH MARCH, 2024.

P.C. :-

1. Ms.Joshi holding for Mr.Gawde for the Applicant tendered the consent terms dated 5 March 2024. Mr.Rawool

holding for Mr.Avhad submits that the consent terms have been signed by the parties and their respective advocates. Both the counsel submit that Mr.Amol R. Atre, Mr.Tushar R. Atre and Mr.Shirish K. Joshi are present in Court and they have identified them, so also signatures of the parties on the consent terms.

2. The consent terms are taken on record and marked “X” for identification. A scanned copy of the consent terms is reproduced hereinbelow for the sake of convenience.

X
R/176/2007
5/3/2023
Tentative in court
for
SLD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 290 OF 2009

With

INTERIM APPLICATION NO. 7674 OF 2023

(For Vacating Stay Order)

DISTRICT: PUNE

Smt. Smrita Ravindra Aitre

...Applicants

Vs

Mr. Shirish Krishna Joshi

... Respondents

CONSENT TERMS

1. The present Civil Revision Application is filed by Applicants challenging Judgement and order dated 02.12.2008 passed by Ld. District Court, Pune in Civil Appeal No. 176 of 2007 whereby Ld. District Court pleased to confirmed Judgement and order dated 02.01.2007 passed by Ld. Small Cause Court, Pune in Civil Suit No. 577 of 2001 whereby Ld. Small Causes

(Signature) A.R. Joshi (Signature)

- Court pleased to direct Applicant to hand over vacant possession of suit room to Plaintiff/Respondent herein.
2. That this Hon'ble Court admitted said Civil Revision Application and granted stay to Judgement and order dated 02.12.2008 passed by Ld. District Court, Pune in Civil Appeal No. 176 of 2007.
 3. That Respondent filed Interim Application No. 171 of 2021 for compensation during the pendency of Civil Revision Application and Hon'ble Court vide order dated 20th July 2022 pleased to direct Applicant to pay to the Respondent an amount of Rs. 10,000 per month from the date of application and Rs. 2,000/- from the date of decree thus the total amount comes to Rs. 6,76,000/-.
 4. That inspite of the order, the Applicant failed to deposit said amount of compensation and hence the Respondent filed Interim Application No. 7674 of 2023 for vacating stay and/or for dismissal of Civil Revision Application and the same is pending.
 5. That now parties decided to resolve the dispute amicably and hence entered in to present consent terms which are as under;
 - a) That the Applicant hereby undertakes to unconditionally withdraw Civil Revision Application No. 290 of 2009 and hereby confirms the order passed by the Learned Trial Court dated 02.01.2007 in Civil Suit No. 377/2001 and the order passed by the Learned District Court dated 02.12.2008 in Civil Appeal No. 176/2007.



A.P. Atre



- b) That the Respondent/ original Plaintiff confirms that the Applicant is not liable to pay any amount of compensation as would be due and payable as per the order of this Hon'ble Court dated 20th July 2022 and the Respondent / Plaintiff waves their entitlement of compensation in pursuance of order dated 20th July 2022 passed by this Hon'ble Court in Interim Application No. 171 of 2021 in view of the present consent terms.
- c) That Applicants shall hand over the vacant, peaceful possession of the subject premises/ suit rooms to Respondent on or before 31st March, 2024 and shall hand over the keys pursuant to the signing of these consent terms and further assures unto the Respondent that none of their belongings shall be kept in the suit premises at the time of handing over vacant, peaceful possession of the subject premises/ suit rooms to the Respondent .
- d) That Applicants declare and confirm that they have not created any third party right in respect of subject premises/ suit rooms.
- e) That Applicants further declare that except Applicants no one was occupying subject premises/ suit rooms.
- f) That parties agreed that after handing over possession of suit room in favour of Respondent, Applicants do not have any claim right and interest in respect of the subject premises/ suit rooms and Applicants have



A.R.A+ve

(24/12/2021)

unconditionally surrendered their rights in favour of Respondent.

- g) That Applicants admit that they do not have any Tenancy Rights in respect of Suit Room governing under the Maharashtra Rent Control Act.
- h) The parties hereto agree that both the parties will not initiate any legal proceedings against each other in respect of the present suit premises.
- i) Applicant and Respondent undertake to abide by terms of present Consent Terms.
- j) The Above Civil Revision Application be disposed of Accordingly
- k) Decree be drawn accordingly.

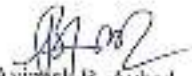
Mumbai.

Date: 5th March, 2024



Mr. Shrish Krishna Joshi.

Applicant



Mr. Avinash B. Avhad

Adv. For the Applicant

Smt. Smita Ravindra Atre

Mr. Amol Ravindra Atre

Ms. Chaitrali Ravindra Atre

Mr. Tushar Ravindra Atre

Respondents



CLHTILC
A. B. Atre
Chaitrali Atre
Tushar Atre



Mr. Sanjay Gawade

Adv. For the Respondents

All the statements made in the consent terms are accepted as an undertaking given to this Court.

3. Order in terms of the consent terms.
4. The Civil Revision Application is accordingly disposed of in terms of the consent terms.
5. In sequel, all the Interim Applications are also disposed of.

(RAJESH S. PATIL, J.)