

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7046 OF 2015

Sanjay Kashinath Bhosale & Ors. .. Petitioners

Versus

Jalindar Bajirao Nanaware & Ors. .. Respondents

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- Mr. Sanjiv A. Sawant a/w Ms. Samiksha S. Mane for Petitioners
- Mr. Laxman Kanal for Respondent Nos. 1 and 2

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 04, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 04.04.2024. Heard Mr. Sawant, learned Advocate for Petitioners and Mr. Kanal, learned Advocate for Respondent Nos. 1 and 2.
3. It is stated that parties have reconciled their dispute and filed Consent Terms seeking to dispose of the present Writ Petition. Consent Terms dated 18.04.2024 are taken on record and marked “X” for identification. Consent terms are signed by the respective parties as also their Advocates.
4. With respect to contents of paragraph Nos. 3, 4 and 5 and the obligations stated therein, Respondent Nos. 1 and 2 have filed a separate affidavit / undertaking dated 12.01.2024 which is appended

to the Consent Terms. The said affidavit is to be read as part of the Consent Terms. Total number of pages of the Consent Terms are six. For convenience and reference, the said Consent Terms and Affidavit are scanned and reproduced below:-


 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 CIVIL APPELLATE JURISDICTION
 WRIT PETITION NO.7046 OF 2015

1. Shri Sanjay Kashinath Bhosale,	1
2. Smt. Sushilabai Kashinath Bhosale	1
3. Shri Prakash Kashinath Bhosale	1
4. Shri Laxmikant Kashinath Bhosale	1
5. Smt. Manik Dattatray Galkwad	1
6. Smt. Jyoti Popat Mohite	1
7. Shri Shishir Vishwanath Bhosale	1
8. Smt. Shalini Vishwanath Bhosale	1
9. Shri Vijay Vishwanath Bhosale	1...Petitioners
10. Smt. Seema Jatin Malsheji	1
11. Smt. Sharyati S. Nemkar	1

Versus

1. Shri Jalindar Bajirao Nantware	1
2. Shri Machindra Bajirao Nantware	1
3. Shri Jitendra Ramvilas Bhambhani	1
4. Shri Shailendra Ramvilas Bhambhani	1
5. Shri And Harman Shinde	1

6. Shri Nilesh Hanmant Shinde

1. Respondents

CONSENT TERMS

The Petitioners and the Respondent Nos.1 and 2 have amicably settled the dispute pertaining to the subject matter of the Writ Petition and accordingly arrived at the terms which are mentioned as follows:-

1. The Respondent Nos.1 and 2 have filed Regular Civil Suit No.207 of 2010 before the Civil Judge, Senior Division, Satara thereby seeking several reliefs. The Respondent Nos.1 and 2 have agreed to withdraw the said suit bearing Regular Civil Suit No.207 of 2010 pending before the Civil Judge, Senior Division, Satara unconditionally.
 2. The Petitioners and the Respondent Nos.1 and 2 hereby filing the consent terms with an undertaking of the Respondent Nos.1 and 2 that the Respondent Nos.1 and 2 (Original Plaintiffs in Regular Civil Suit No.207 of 2010) shall withdraw the said suit bearing Regular Civil Suit No.207 of 2010 pending before the Civil Judge, Senior Division, Satara unconditionally.
 3. The Respondent Nos.1 and 2 have undertaken not to file any proceedings against the Petitioners herein as the Petitioners
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herein have been fully protected by an order passed by the Tahsildar, Satara in tenancy proceedings bearing No.SR/33/2004 dated 12th January, 2006.

4. The Respondent Nos.1 and 2 have withdrawn all the rights claimed in the Regular Civil Suit No.207 of 2010 filed before the Civil Judge, Senior Division, Satara and duly admit that the Petitioners are having lawful possession of the suit properties bearing Survey No.294/1 admeasuring 30 Ares and Survey No.294/2 admeasuring 0 Hectare 34 Ares at village KaranjeTarf, Satara, Taluka and District Satara.
5. We, the Respondent Nos.1 and 2 hereby undertake to accept the orders passed by the Tahsildar, Satara in proceedings bearing No.SR/33/2004 and SR/21/2008 dated 12th January, 2006 and 21st May, 2010.
6. In view of the aforesaid consent terms the Writ Petition be accordingly disposed of.

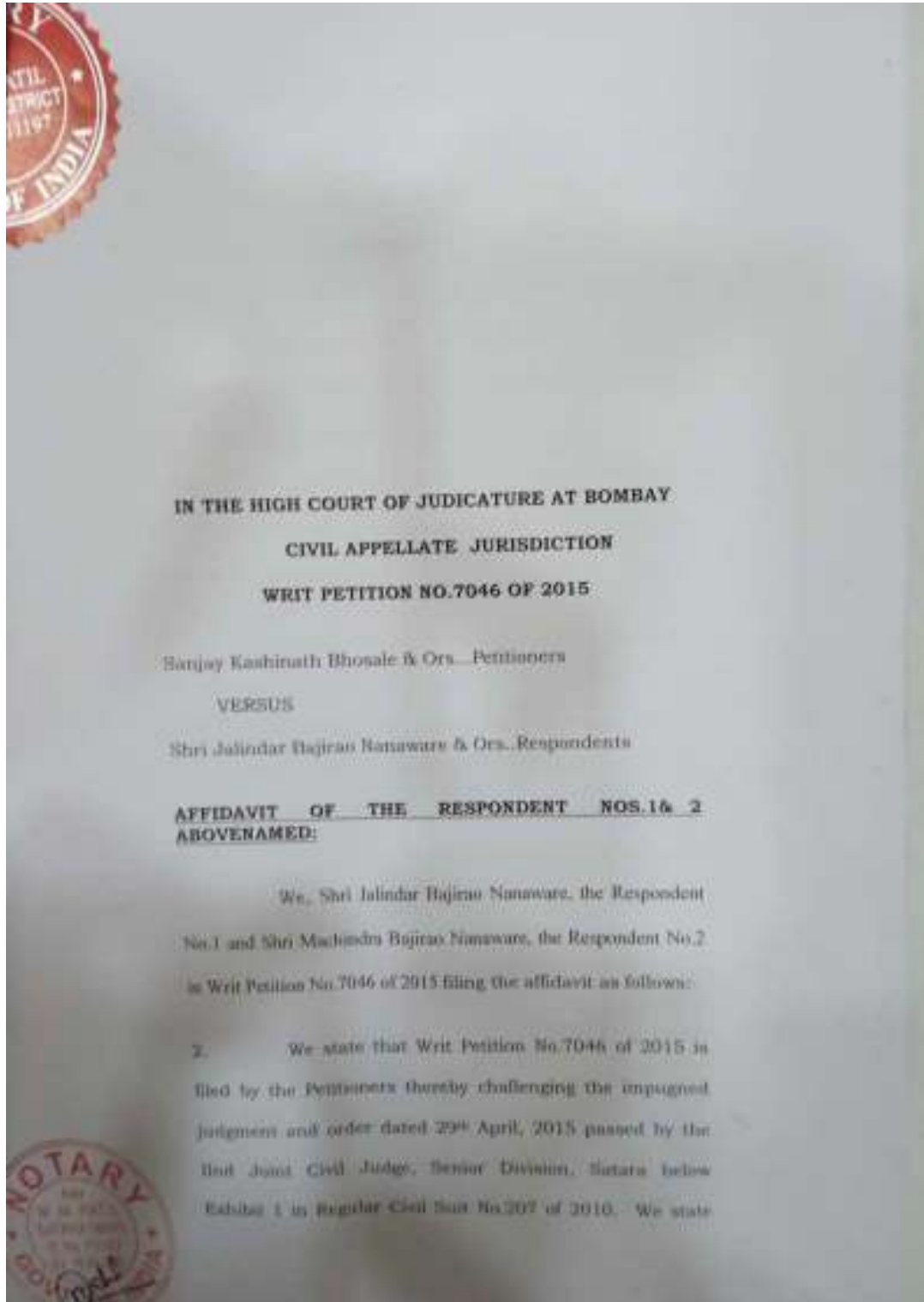
Satara,
dated this 18th day of January, 2024)

Advocate for the Petitioners

Advocate for the Respondents

Petitioners

Respondents



that this Hon'ble Court was pleased to pass an order on 20th July, 2015 thereby passing a speaking order that the Petition shall be disposed of finally at the stage of admission and in the meantime ad-interim order in terms of prayer clause (c) was granted thereby staying the execution and implementation of the impugned judgment and order dated 29th April, 2015 passed by the learned Jnd Joint Civil Judge, Senior Division, Satara below Exhibit 1 in Regular Civil Suit No.207 of 2010. Thereafter the Writ Petition was admitted on 11th August, 2017 by the Hon'ble Mr. Justice Gadkari.

3. We state and submit that we hereby undertake to withdraw the suit bearing Regular Civil Suit No.207 of 2010 filed before the Civil Judge, Senior Division, Satara. We undertake that we will file appropriate pursas for withdrawal of the Civil Suit No.207 of 2010 pending before the learned Civil Judge, Senior Division, Satara within 15 days from the date filing of the present affidavit before this Hon'ble Court.

4. We state that the Petitioners are in peaceful possession of the subject property bearing Survey No.294/1 admeasuring 30 Area Survey No.294/2 admeasuring 34 Area at village Karanje Tarf, Satara, Taluka and District Satara. We also state that the Petitioners are duly protected pursuant to the orders passed



5. Rights and obligations stated in the Consent Terms are taken as undertaking given to the Court by all concerned parties who shall be obligated with the same.

6. Mr. Sawant would submit that since the Plaintiffs are withdrawing Regular Civil Suit No. 207/2010 filed before the learned Trial Court unconditionally as stated in the Consent Terms, any interim order prevailing shall come to an end. Mr. Kanal, learned Advocate for Respondent Nos. 1 and 2 agrees to the same.

7. In view of the Consent Terms, Writ Petition is allowed and disposed in terms of the Consent Terms as agreed upon by the parties.
No order as to costs.

[MILIND N. JADHAV, J.]

Amberkar

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signed by
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AMBERKAR
Date:
2024.04.08
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