

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.704 OF 2017.
WITH
CIVIL APPLICATION NO.1399 OF 2017.
WITH
CIVIL APPLICATION (ST) NO.18944 OF 2018.
WITH
CIVIL APPLICATION NO.1450 OF 2017.

Dadu Laxman Gavakar

...Appellant.

Versus

Sonabai Shivram Gavali and Ors.

...Respondents.

Mr. Surel S. Shah for appellant in SA No.704/2017 and for applicant in CAS No.1399/2017 and CAST No.18944/2018.
Mr. Dhananjay Bhosale i/b Mr. Kedar Lad for the Appellant in SAST No.26363/2017 and for Respondent Nos. 2 to 4 in SA No.704/2017.
Mr. S. S. Patwardhan for Respondent No.1 in SA No.704/2017.

Coram : Sharmila U. Deshmukh, J.

Date : May 6, 2024.
(IN CHAMBERS)

P. C. :

1. This Court is informed that the matter has been amicably settled between the parties and copy of the Consent Terms is tendered on record. Consent Terms is taken on record and marked "X" for identification.
2. To the Consent Terms are annexed copies of the Power of

Attorney's. Appellant No.1a is the constituted attorney for Appellant Nos.1b to 1e, Appellant No.2b is the constituted attorney for Appellant Nos.2a and 2c to 2e and Appellant No.4 is the constituted attorney for Appellant Nos.3 and 5 to 12. Appellant Nos.1a, 2b and 4 are present and reiterate the terms of the Consent Terms and are identified by their advocates.

3. Respondent Nos.1 and 2 are present. This Court is informed that Respondent No.4 has been hospitalized and not signed/affixed her thumb impression on the Consent Terms. Learned Advocate for Respondent No.4 on instructions submits that he has no objection to the Consent Terms.

4. Respondent No.5 is a formal party and respondent Nos. 6 to 10 are subsequent purchasers and in the Consent Terms it has been provided that the alienations in their favour will not be disturbed.

5. As per the Consent Terms, Respondent No.1 who is original plaintiff has been given certain properties enumerated in Clause 4(f) and upon inquiry by this Court, has reiterated terms of the Consent Terms.

6. Consent Terms have been signed by the parties except Respondent Nos.4 and 5 to 10. Statements made in the Consent Terms are accepted as undertaking given to this Court.

7. Appeal stands disposed of in terms of the Consent Terms. In view of above, Civil Applications do not survive for consideration and are accordingly disposed of.

[Sharmila U. Deshmukh, J.]