

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12067 OF 2019

Mrs. Manjula Balkrishna Mhatre and Ors. ...Petitioners.

Versus

Krishnarao Govindrao Mhatre through
POA R. G. Bhutra and Ors. ...Respondents.

*Mr. Prasad Dani, Senior Advocate i/b Mr. Sachin K. Hande for the
Petitioner.*

Mr. Shubhankar Kulkarni i/b Mr. Prithviraj Gole for Respondent No.1.

Mr. Sukumar R. Ghanvat for Respondent Nos.2 to 4.

Mr. S. D. Rayrikar, AGP for Respondent Nos.5 to 8.

Coram : Sharmila U. Deshmukh, J.

Date : 10th April, 2024.

P. C. :

1. Not on board. Mentioned. Taken on board.

2. This Court is informed that the dispute has been amicably settled between the parties. Learned counsel for the parties seeks permission to implead Shilpa Subhash Patil, who is one of the heirs. The request is a joint request and there is no objection by the proposed respondent Shilpa Subhash Patil to be joined as a party.

3. As the said Shilpa Subhash Patil is impleaded as party respondent, the cause title of the writ petition is permitted to be amended in consonance with the cause title of the Consent Terms. Amendment to be carried out forthwith.

4. Learned counsel for the parties submit that the matter has been settled between the petitioners and respondent Nos.2 to 5. Mr. Dani, learned Senior Advocate for the petitioner would submit that the respondent No.1 was joined in his capacity as the then executor of the Will and though his legal heirs were brought on record after his death, the legal heirs are not required to be part of the settlement.

5. Consent Terms are tendered by the parties which is taken on record and marked 'X' for identification. Consent Terms are filed by petitioner No.2 for himself and petitioner Nos.3 to 10. Petitioner No.1 has expired and petitioner Nos.2 to 4 are heirs of petitioner No.1. Consent Terms are also signed by respondent Nos.2 to 5 through their constituted attorney Mukesh Chabildas Parekh and Govind Kashiram Rahate. The power of attorneys are annexed to the Consent Terms.

6. The Parties are present in Court and reiterates the contents of the Consent Terms. The parties are identified by their respective counsels.

7. Statements made in the Consent Terms are accepted as undertaking given to this Court. Petition is disposed of in terms of the Consent Terms. In view of disposal of writ petition, interim applications, if any do not survive for consideration and are accordingly disposed of.

[Sharmila U. Deshmukh, J.]