

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 97 OF 2022
WITH
INTERIM APPLICATION NO. 548 OF 2022

Babaso Shamgonda Patil And Anr ...Appellants
Versus
Rajaram Shankarrao Dharvat And Ors ...Respondents

Mr. Tejpal Ingale a/w Ms. Vrunali Vilankar for the Appellants.
Mr. Manoj Patil a/w Mr. Yogesh Marbale for Respondent Nos. 1 and 2.

CORAM : M.M. SATHAYE, J.
DATE : 26th JUNE, 2025

P.C. :

1. At the outset, learned Advocate for the Appellants, on instructions seeks leave be delete Respondent Nos. 3 and 4 being formal parties. Leave granted at the risk of Appellants. Necessary amendment for deleting Respondent Nos. 3 and 4 be carried out during the course of the day.

2. Learned Advocate for the Appellants and learned Advocate for Respondent Nos. 1 and 2 have jointly tendered Consent Terms dated 26.06.2025 (pages 1 to 10) which is taken on record and marked "X" for identification.

3. The Consent Terms are signed by Appellant Nos. 1 and 2, who are present in the Court and who are duly identified by their Advocate. The Consent Terms are also signed by Respondent Nos. 1 and 2, who are also present in the Court and are duly identified by their Advocate.

SNEHA
NITIN
CHAVAN

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by SNEHA
NITIN CHAVAN
Date:
2025.06.26
20:22:06 +0530

The Consent Terms are also signed by respective Advocates.

4. The dispute arising out of claim for specific performance is settled under these Consent Terms, in which an amount of Rs.80 lakh is agreed to be paid to Respondent Nos. 1 and 2 as per schedule given in paragraph 5 of the Consent Terms. The cheques mentioned in paragraph 5 are handed over to learned Advocate for the Respondents in the Court, of which receipt is acknowledged. In addition, it is agreed that certain amount deposited in the Executing Court can be withdrawn with accrued interest by the Respondents.

5. Both the Appellants and both the Respondents, on specific query by the Court, inform the Court that they have understood the contents of the Consent Terms and they have signed it after understanding the terms and implication thereof.

6. The Respondents assure the Court that the cheques under which the amount is paid, shall be realised. The reciprocal promises made in the Consent Terms are accepted as the undertakings to the Court.

7. In view of the above, the Second Appeal is disposed of in terms of the Consent Terms. It is clarified that the impugned Judgment and Decree dated 15.02.2021 passed in Regular Civil Appeal No. 60 of 2016 shall be quashed and set aside, only after receipt of the entire amount by the Respondents as agreed in the Consent Terms.

8. The Consent Terms shall be read with this order. Decree be drawn up accordingly.

9. In view of the disposal of the Second Appeal, interim application is also disposed of in above terms.

10. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)