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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 666 OF 2017
WITH
CIVIL APPLICATION NO. 1260 OF 2017
IN
SECOND APPEAL NO. 666 OF 2017**

Dattatraya Ananda Wadkar

.....Appellant

Vs.

Sou. Durga Ganesh Yalmar and ors

.....Respondents

Mr. Vaibhav R. Gaikwad for the appellant

Mr. Sumer V. Daithankar for Mr. Rahul B. Khot for respondent nos. 1, 4 and 5

Mr. S. M. Bhavar for respondent no. 3

CORAM : GAURI GODSE, J.

DATE : 4th MARCH 2025

ORDER:

1. Learned advocate for respondent no. 3 undertakes to file his Vakalatnama within a week.

2. Learned counsels for the parties have tendered the consent terms dated 4th March 2025. The consent terms is signed by the appellant, respondent nos. 1 and 3 to 5. Respondent nos. 3 and 4

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have endorsed their thumb impression and the thumb impression is identified. Respective advocates of the parties have also signed the consent terms. Second appeal stands dismissed as against respondent no. 6.

3. Learned counsels for the parties submit that the partition decree is with regard to the share of Ananda Yalmar i.e. respondent no. 2 and thus, defendant no. 6 would not be necessary as his share is not being affected by the consent terms.

4. The consent terms are taken on record and marked as 'X' with today's date for identification.

5. I have perused the consent terms. The consent terms are legal and valid. The parties present have admitted their signatures and confirmed the terms to be true and correct.

6. It is clarified that the consent terms will not be binding upon respondent no. 6.

7. The assurances recorded in the consent terms are accepted as undertaking to the Court.

8. The second appeal is disposed of in terms of the consent terms.
9. The impugned decree stands modified in terms of the consent terms.
10. In view of dismissal of second appeal, Civil Application No. 1260 of 2017 is disposed of as infructuous.

[GAURI GODSE, J.]