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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 194 OF 2022
WITH
INTERIM APPLICATION NO. 11193 OF 2024
WITH
INTERIM APPLICATION NO. 2666 OF 2020**

Yashwant Anant Patil (since decd. Thr. Lrs) ... Appellants/Applicants
Vikrant Yeshwant Patil and Ors

vs.

Shri Pandurang Dharma Madhavi (Decd. Thr. ... Respondents
Lrs) Manohar Pandurang Madhavi and Ors

Mr. Joel John Carlos for Appellant/Applicant.

Ms. Deepali Deherkar for Respondent

Mr. Rohit Sakhdeo for Respondent No.10-CIDCO.

CORAM : GAURI GODSE, J.

DATED : 9th MAY 2025

ORDER:

INTERIM APPLICATION NO. 11193 OF 2024.

1. This application is for bringing on record the names of heirs and legal representatives of deceased appellant no.8. The parties have settled the dispute amicably. The proposed appellants are also party to the consent terms.

2. In the facts and circumstances of the case, the application is

allowed in terms of prayer clause (a). Amendment to be carried out forthwith in the court.

SECOND APPEAL NO. 194 OF 2022

3. Learned counsel for the parties have tendered consent terms dated 9th May 2025. The second appeal arises out of suit filed by the appellants for partition and separate possession. By way of an amicable settlement, the parties have agreed to settle the dispute by arriving at a settlement with the proposed respondent no.12 who has also signed the consent terms. The parties therefore pray to add the developer as party respondent no.12. In view of the amicable settlement between the parties, they are permitted to add the developer as party respondent no.12 in the second appeal. Amendment to be carried out forthwith in the court.

4. The consent terms are signed by the appellant no. 1/1 for himself and as constituted attorney of all other appellants. Learned counsel for the appellants submits that he has verified the Power of Attorney given by all the appellants in favour of the appellant no.1/1. The Power of Attorney is annexed to the consent terms. The consent terms is signed by respondent no. 1/4 for himself and as constituted attorney of respondent nos. 1/1 to 1/6. Respondent no. 2/2 signed for himself and as constituted attorney of respondent

nos. 2/1 to 2/8. Respondent no. 3/3 signed for himself and as constituted attorney of respondent nos. 3/2 to 3/8. Respondent no. 4/16 signed for himself and as constituted attorney of respondent nos. 4a(1) to 4e. Respondent nos. 5/2/1(a) and 5/4 have signed for themselves. Respondent no. 5/5/b signed for himself and as constituted attorney of respondent nos. 5/1 to 5/6. Respondent no.8 signed for himself as constituted attorney of respondent nos. 7/1 to 9a. All the power of attorneys of the respondents are annexed to the consent terms. The consent terms is signed by the partner of the added respondent no.12. Learned counsel for the respondents submits that the partner has authority to sign the consent terms on behalf of all the partners. She submits that the authority letter shall be annexed with the consent terms during the course of the day. She further submits that she has verified the respective Power of Attorney on behalf of the respondents and all Power of Attorney are annexed to the consent terms.

5. All the signatories to the consent terms are present in the court. They admit their signatures and the terms of consent terms to be true and correct. The signatories are identified by their respective advocates.

6. The consent terms dated 9th May 2025 is taken on record and

marked 'X' with today's date for identification. I have perused the consent terms. The consent terms are legal and valid. Learned counsels for the parties on instructions submit that the Memorandum of Understanding ('MOU) dated 18th March 2025 and MOU dated 15th April 2025 contains all the terms and conditions of agreement between the parties. Copies of both the MOU are annexed to the consent terms as annexures I and II. Both the MOU shall form part of the consent terms. The statements and assurances given by the parties in the consent terms and both the MOU are accepted as undertakings to this court.

7. The second appeal is disposed of in terms of the consent terms. The impugned decrees stand modified in terms of the consent terms. In view of disposal of the second appeal, the pending applications are disposed of as infructuous.

8. It is clarified that respondent nos. 10 and 11 in the second appeal are not signatories to the consent terms; hence, the consent terms shall not be binding upon the said respondents.

(GAURI GODSE, J.)