



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.101 OF 2025
WITH
INTERIM APPLICATION NO.1420 OF 2025**

Sitabai Somaji Kamthe (deceased)
through legal heirs Sadashiv
Somaji Kamthe and Ors. ... Appellants
versus
Sushilabai Maruti Borkar and Ors. ... Respondents

Mr. Shubham Wadne i/by Mr. Nitin Paware Patil, for Appellants.
Mr. Vipinchandra R. Kasle, for Respondent No.1.
Mr. M.S.Desai for Respondent No.4.
Mr. Sadashiv Somaji Kamthe, Ms. Ranjana Dashrath Kamthe, Mrs. Shobha B. Avhale, Appellants present.
Mr. Vijay M. Borkar, POA of Respondent No.1 present.
Smt. Savita Rajendra Tarawade, Respondent No.4B-i, Mr. Akshay Rajendra Tarawade, Respondent No.4B-ii, Mr. Akash Rajendra Tarawade, Respondent No.4B-iii, Smt. Shalan Shankar Tarawade, Respondent No.4C, Mrs. Asha Madhav Kamthe, Respondent No.4D and Smt. Baby Subhash Rajawade, Respondent No.4E present in Court.

CORAM: N.J.JAMADAR, J.

DATE : 17 SEPTEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. Learned Counsel for the parties submit that the parties have amicably resolved the dispute and the consent terms have been executed.
3. Learned Counsel submits that the Appellants seek leave to delete Respondent Nos.2 and 3/original Defendant Nos.4 and 5 from the array of Respondents as the Appellants / Plaintiffs accept the legality and validity of

the Sale Deed executed in favour of Respondent Nos.2 and 3 and agree and confirm that the said Sale Deed is binding on the Plaintiffs.

4. Leave granted.

5. Respondent Nos.2 and 3 are permitted to be deleted from the array of the Respondents.

6. The Appellants are present before the Court. Power of Attorney of Respondent No.1; Respondent Nos.4(B)(i), (ii), (iii), 4C, 4D and 4E are also present before the Court. Copies of the power of attorney executed in favour of the respective parties are annexed to the consent terms.

7. Learned Counsel for the parties seek leave to tender Consent Terms.

8. Leave granted.

9. The Appellants and the Respondents who are present in Court, admit the contents of the consent terms and the execution thereof. The parties are identified by their respective Advocates. Upon being specifically enquired, the parties state that they have amicably resolved the dispute and the consent terms are executed out of their own volition.

10. It appears that the consent terms have been voluntarily executed and there is no coercion or duress.

11. Thus, the consent terms are taken on record and marked 'X'.

12. There shall be decree in accordance with the consent terms 'X'.

13. The undertakings in the consent terms are accepted as undertakings to

the Court.

14. In view of the disposal of the Second Appeal, Interim Application No.1420 of 2025 also stands disposed.

(N.J.JAMADAR, J.)