

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 387 OF 2025

WITH

INTERIM APPLICATION NO. 9197 OF 2025

Vijay Kishanlal Agarwal ... Appellant/Applicant

V/s.

Joseph D. Carmo (since deceased) ... Respondents
through legal heirs and Ors.

Mr. Ajay Joshi a/w Kirthika, for the appellant/applicant.

Mr. Nitin Deshpande, for the respondent no. 2.

Mr. Prajit Sahane, for the respondent no. 3.

Mr. Sumit Sonare, for the respondent no. 4.

CORAM : N.J. JAMADAR, J.

DATE : 12TH NOVEMBER 2025.

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1. Heard the learned counsel for the parties.
2. The learned counsel for the appellant and the respondent nos. 2 to 4 make a joint statement that the appellant and the respondent nos. 2 to 4 have amicably resolved the dispute and Consent Terms have been executed.
3. Mr. Joshi, the learned counsel for the appellant, seeks leave to delete respondent no. 1/original defendant-JD, from the array of the respondents.

4. It is submitted that during the pendency of the suit the original defendant had executed a conveyance in favour of respondent nos. 3 and 4, who had filed obstruction proceedings in the execution proceedings, out of which, this Second Appeal arises.
5. Leave granted to delete respondent no.1/original defendant from the array of the respondents.
6. Necessary amendment be carried out within a period of one week.
7. The appellant and the respondent nos. 2 to 4 are present before the Court. They admit the contents of the Consent Terms and execution thereof. They are identified by their respective advocates.
8. The appellant and the respondent nos. 2 to 4 submit that they have read and understood the contents of the Consent Terms, they admit the same and agree to abide by the said terms.
9. It appears that the appellant and respondent nos. 2 to 4 have executed the Consent Terms voluntarily, and there is no coercion and duress. It seems the parties have worked out a comprehensive settlement of the dispute.
10. Consent Terms are taken on record and marked 'X'.
11. Second Appeal stands disposed in accordance with the Consent Terms 'X'.
12. Decree be drawn in accordance with the Consent Terms 'X'.
13. No costs.

14. In view of disposal of Second Appeal, Interim Application stands disposed.

(N.J. JAMADAR, J)