

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
FIRST APPEAL NO. 1043 OF 2024  
WITH  
INTERIM APPLICATION NO. 2040 OF 2025  
IN  
FIRST APPEAL NO. 1043 OF 2024

Shabbir Ahmad S Khan

...Appellant

*Versus*

Abdul Hameed Khan Matawan & Ors

...Respondents

SHEPHALI  
SANJAY  
MORMARE

Digitally signed by  
SHEPHALI SANJAY  
MORMARE  
Date: 2025.03.06  
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**Mr Kapil P Shetye**, with Shabbir Khan, for the Appellant.

**Mr Sagar Joshi, Senior Advocate**, for the Respondent No. 1.

**Mr RM Deshpande**, for the Respondents Nos. 2 and 3.

CORAM    **G. S. KULKARNI &  
ADVAIT M. SETHNA, JJ.**

DATED:    **3 MARCH 2025**

**PC:-**

1.     This first appeal is directed against the judgment and decree dated 26 April 2024 passed by the Joint Civil Judge, Senior Division at Thane in Special Civil Suit No. 517 of 2015. The proceedings are pending before this Court.

2. Learned counsel for the appellant at the outset states that the appellant would desire to delete respondents nos. 2 and 3. Accordingly, we permit to delete respondents nos. 2 and 3. Amendment to be carried out during the course of the day.

3. The appellant and respondent no. 1 are today before the Court contending that a resolution of disputes between these parties is arrived at and terms and conditions in that regard are set out in Consent Terms. The Consent Terms are presented before the Court by the learned counsel appearing for the parties. We have perused the Consent Terms. They are signed by the appellant and respondent no. 1. The signatures of the parties are identified by their respective advocates. The advocates for the parties have also signed the Consent Terms. The parties are present in Court.

4. It appears that there is a settlement *inter alia* between the parties in the amount of Rs. 4,35,00,000/-, which respondent no. 1 has agreed to pay to the appellant in full and final settlement as set out in paragraphs 7(b) to (e) of the Consent Terms. The final amount is to be received by the appellant on 5 May 2025. It is requested on behalf of the appellant that although the appeal can be disposed of in terms of the Consent Terms, the same be listed for compliance on 6 May 2025. Learned counsel for the respondent is also not averse to such solution. We, accordingly, take on record the Consent Terms and marked “X” for identification with today’s date. We also accept the undertakings given in the Consent Terms.

5. The first appeal and the interim application stand disposed of in terms of the Consent terms.
6. Decree to be drawn up accordingly.
7. List the proceedings for compliance on 6 May 2025.
8. Parties to act on an authenticated copy of this order.
9. Office is also directed to issue certified copy of this order as also the Consent Terms within a period of one week from the date of the application.

(ADVAIT M. SETHNA, J)

(G. S. KULKARNI, J)