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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 155 OF 2017
WITH
INTERIM APPLICATION NO. 3477 OF 2025**

Namdeo Jayjayram Budhavale ... Appellant

Vs.

Sou. Bhamatai Rangrao Budhavale & Ors. ... Respondents

Mr. Ramdas A. Shelke for the Appellants/Applicants.

Mr. Rajaram Bansode a/w. Ms. Sheetal M. Ubale for Respondent
Nos. 2 and 3.

CORAM : GAURI GODSE, J.

DATE : 7th MAY 2025

ORDER :

1. Learned counsel for the appellant has tendered consent terms. However, the consent terms are not signed by respondent no. 4. Respondent no. 4 is original defendant no.2 through whom the appellant claims right. The trial court had decreed the suit granting one-fourth share to defendant no.2. The said decree was challenged by the appellant alongwith defendant no. 2 in the District Court. The appeal filed in the District Court is dismissed. Hence, the trial court's decree stands confirmed. The defendant no. 2 has therefore accepted the trial court's decree. Thus, the decree for partition and separate possession in favour of the plaintiff and

defendant no. 2 stands confirmed. The appellant is therefore permitted to file appropriate application placing on record necessary details regarding defendant no. 2 accepting sale deed in favour of the appellant. The parties are therefore permitted to file appropriate consent terms and an application for deleting respondent no.4.

2. Learned counsel for the appellant submits that by way of these consent terms the plaintiff nos. 2 and 3 have given up their rights as per the impugned decree. Learned counsel for the appellant submits that they agreed to give up their claim for partition and separate possession without accepting any consideration. The plaintiff nos. 2 and 3 i.e. respondent nos. 2 and 3 are present in court. The parties have signed the consent terms in marathi. The consent terms are notarised at Sangli. However, there is no remark as to whether the consent terms are explained to the parties. The consent terms are taken on record and marked "X" with today's date for identification.

3. The papers of the second appeal and the consent terms be placed before the Registrar (Judicial II) for verification and placing on record a report whether the terms are explained to plaintiff nos. 2 and 3 and whether they have agreed to relinquish their right of partition decree without any consideration.

4. The parties shall remain present before the learned Registrar (Judicial II), as directed.
5. Stand over to 9th June 2025.
6. Interim Application No. 3477 of 2025 to be listed on the next date.

[GAURI GODSE, J.]