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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 225 OF 2009

WITH

INTERIM APPLICATION NO. 8150 OF 2025

INTERIM APPLICATION NO. 8152 OF 2025

INTERIM APPLICATION NO. 8153 OF 2025

INTERIM APPLICATION NO. 8148 OF 2025

INTERIM APPLICATION NO. 8141 OF 2025

INTERIM APPLICATION NO. 8143 OF 2025

Pramila Murlidhar Borkar ... Appellants/Applicants
since deceased through LRs and Others

Vs.

Tryambak Pandurang Kulkarni ... Respondents
since deceased through LRS and Others

Mr. Girish Paryani a/w. Mr. Gulfam Khan and Mr. Vaibhav Kamble
for the Appellants.

Ms. Srushti Thorat i/b. Vidhii Partners for the Respondents.

Mr. Milind Borkar, Appellant No. 1a present.

Mr. Girish Borkar, Appellant No. 1b present.

Ms. Sushma Borkar, Appellant No. 1c present.

Ms. Meenal Wakhle, Appellant no. 2a present.

Ms. Mrunal Godse, Appellant no. 2b present

Mr. Srirang Brahme, Appellant no. 2c present.

CORAM : GAURI GODSE, J.

DATE : 7th MAY 2025

ORDER :

Interim Application No. 8150 of 2025

1. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 2. The heirs and legal representatives of respondent no. 2 are served and are represented through Advocate.

2. By consent, application is allowed in terms of prayer clause (a), (b) and (c).

3. Amendment to be carried out forthwith in the court.

Interim Application No. 8152 of 2025

4. This application is for bringing on record names of heirs and legal representatives of deceased appellant no.1.

5. By consent, application is allowed in terms of prayer clause (a), (b) and (c).

6. Amendment to be carried out forthwith in the court.

Interim Application No. 8153 of 2025

7. This application is for bringing on record names of heirs and legal representatives of deceased appellant no.2.

8. By consent, application is allowed in terms of prayer clause (a), (b) and (c).

9. Amendment to be carried out forthwith in the court.

Interim Application No. 8148 of 2025

10. This application is for bringing on record names of heirs and legal representatives of deceased respondent no. 1. The heirs and legal representatives of respondent no. 1 are served and are represented through Advocate.

11. By consent, application is allowed in terms of prayer clause (a), (b) and (c).

12. Amendment to be carried out forthwith in the court.

Interim Application No. 8141 of 2025

13. Learned counsel for the appellants seeks leave to withdraw this application. Leave granted.

14. Interim Application is disposed of as withdrawn.

Interim Application No. 8143 of 2025

15. Learned counsel for the appellants seeks leave to withdraw this application. Leave granted.

16. Interim Application is disposed of as withdrawn.

Second Appeal No. 225 of 2009

17. Learned counsel for the parties have tendered consent terms dated 7th May 2025. The consent terms are signed by all the appellants and their Advocates. The consent terms are signed by respondent no. 2c for himself and as power of attorney holder of the remaining respondents.

18. Learned Advocate for the respondents has also signed the consent terms. Learned counsel for the respondents submits that she has verified and initialed all the power of attorney of the respective respondents that are annexed to the consent terms.

19. All the signatories are present in court and are identified by their respective Advocate. The consent terms dated 7th May 2025 is taken on record and marked as "X-1" with today's date for identification.

20. I have perused the consent terms. The consent terms are legal and valid. The impugned decree stands modified in terms of the consent terms. All the assurances and undertakings recorded in the consent terms are accepted as undertakings to the court.

21. Learned counsel for the parties submit that the demand draft as recorded in the consent terms are handed over to the appellants.

22. The second appeal is disposed of in terms of the consent terms. Pending applications, if any, are disposed of as infructuous.

[GAURI GODSE, J.]