

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11865 OF 2025
IN
WRIT PETITION NO. 145 OF 2000

SHRI KISAN SHANKAR SHELKE (deceased))
SANJAY KISAN SHELKE AND OTHERS)...APPLICANTS

IN THE MATTER BETWEEN

SHRI KISAN SHANKAR SHELKE (deceased))
SANJAY KISAN SHELKE AND OTHERS)...APPLICANTS

V/s.

SMT.HIRABAI BAHIRU KARANJKAR AND ORS.)...RESPONDENTS

Mr.Shailesh Redekar, Advocate for the Applicants / Original Petitioners.

Mr.Asif Shaikh, Advocate for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 20th SEPTEMBER 2025

P.C. :

1. This matter had been listed at serial no.901 under the caption 'for circulation'.
2. The Interim Application seeks modification of the Consent Terms in terms of prayer clauses (a) and (b) which read thus :

“(a) This Hon'ble Court be pleased to allow the parties to delete Clause No.5(ii) & Annexure 2 from the Consent Terms dt. 14.8.2025 and to replace with following clause in place of Clause No.5(ii) – ‘Gat No.54/3 admeasuring H.1-47 Are +

Pot Kharaba H. 0-01 Are totally admeasuring H. 1-48 Are shall be absolutely and exclusively owned and possessed by The Petitioners. The Respondents and their legal heirs shall not claim any tenancy rights, claim, interest, and possession on said Gat No. 54/3 or any part thereof on any ground whatsoever. The Name of The Respondents recorded in the other rights column of 7/12 extract of said Gat No.54/3 shall be deleted. The Respondents shall co-operate for the same.

(b) This Hon'ble Court be pleased to permit the Parties to file fresh modified consent terms on record to the extent of deleting clause No.5(ii) & Annexure 2 from the consent terms dt. 14.8.2025 and by permitting them to replace following clause on record -

ii. Gat No.54/3 admeasuring H.1-47 Are + Pot Kharaba H. 0-01 Are totally admeasuring H. 1-48 Are shall be absolutely and exclusively owned and possessed by The Petitioners. The Respondents and their legal heirs shall not claim any tenancy rights, claim, interest, and possession on said Gat No.54/3 or any party thereof on any grounds whatsoever. The Name of the Respondents recorded in the other rights column of 7/12 extract of said Gat no. 54/3 shall be deleted. The Respondents shall co-operate for the same.”

3. When the matter was called out in the morning session, Mr.Shailesh Redekar, learned Counsel, appearing for the Petitioners has submitted that the Respondents have agreed to the modification of the Consent Terms.

4. Mr.Asif Shaikh, learned Counsel, had appeared for the Respondents and submitted that a Vakalatnama has been filed on

behalf of the Respondents. This Court had requested to see the Vakalatnama, however, the Vakalatnama is not on record, although the case status indicates that Mr.Asif Shaikh appears for the Respondents.

5. Although a copy of the Consent Terms had not been tendered, this Court, in view of the prayers and in view of the pleadings in support of the said prayers, had requested the learned Deputy Registrar to verify the signatures of each of the Respondents in the Consent Terms.

6. It appears that many of the Respondents are present in Court today, however, some of them are present through their Powers of Attorney. The learned Deputy Registrar has, after conducting the exercise of verification, submitted a report, which is taken on record.

7. Let the deficiencies as per the report be explained/complied with by the next date. Let also an Affidavit be filed on behalf of each of the Respondents with respect to the modification sought to the Consent Terms.

8. List on **10th October 2025**.

(ABHAY AHUJA, J.)