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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.326 OF 2019
WITH
INTERIM APPLICATION NO.1207 OF 2024
WITH
CIVIL APPLICATION NO.1175 OF 2019**

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Anthony BrittoAppellant/Applicant
Versus
Raju Shankar Mogariya & Anr. ...Respondents

**WITH
INTERIM APPLICATION NO.3869 OF 2023
WITH
INTERIM APPLICATION NO.3497 OF 2025
IN
FIRST APPEAL NO.326 OF 2019**

Raju Shankar Mogariya & Anr.Applicants

IN THE MATTER BETWEEN

Anthony BrittoAppellant
Versus
Raju Shankar Mogariya & Anr. ...Respondents

Mr. Ranjeev Carvalho a/w. Mr. Rishab Murali, Mr. Kevin Chettiar for the Appellant in FA No.326/2019 and for applicant in Civil Application No.1175/2019, Interim Application Nos. 3869/2023 & 1207/2024 and for Respondent in IA No.3497/2025.

Ms. Kanchan Jha for Respondent Nos.1 and 2 in FA No.326/2019.

Mr. D. S. Bhalerao, 2nd Assistant to Court Receiver a/w. Mrs. Priti Pawshe, ASO, Office of the Court Receiver.

CORAM : JITENDRA JAIN, J.

DATED : 6 MAY 2026

P.C.:

1. The present order brings down curtain of litigation which started in the year 2005 and reached this Court in 2019 by way of an appeal from the final judgment of the City Civil Court. The present appeal filed in 2019 came up for hearing in 2026. The original suit was filed for specific performance of an agreement for sale of property between the parties.

2. The Court of law though is for adjudication but the larger duty of the Court is to ensure permanent peace in the minds of the litigants knocking the door of justice by balancing the equity in the interest of both the parties so that resources can be channelised for more constructive and fruitful purpose than to litigate in Court of Law. Therefore, when the appeal came up for final hearing, the Court was of the view that the dispute should be resolved amicably between the parties rather than inviting an adjudication order by the Court. Both the parties and their respective counsel graciously accepted the suggestion of this Court.

3. Thereafter, for almost 3 to 4 months matter appeared on the board from time to time for apprising the progress made for settlement. The parties and their counsel held series of meetings

and in the process whenever any hurdle arose, the parties moved towards the settlement with positive approach to cross the hurdle rather than to become an obstacle to one another. I appreciate the efforts put in by the parties in this journey towards the settlement and also the efforts put in by the legal team of both the parties who assisted in arriving at the settlement.

4. At times the three letter word which is imbedded in all of us also cropped up but timely intervention of this Court and positive approach of all did not allow the said aspect in stalling the settlement process, in fact all the stakeholders worked around it to ensure settlement goes through.

5. I record the co-operation received from Ms.Manisha Devgharkar, Deputy Registrar of the City Civil Court, Mazgaon in granting certain information on priority basis which helped the parties and this Court to settle the matter before the ensuing long summer vacation. The Court also appreciates the Office of the Court Receiver of this Court who co-operated and gave vital inputs to the parties and to the Court so that the settlement process can be completed.

6. The parties today have tendered Consent Terms for resolving

the issue raised in the present appeal. The said Consent Terms are taken on record and marked “X” for identification. The undertakings given in the Consent Terms are to be treated as undertakings to the Court. The parties are individually present in the Court and they have also been identified by their advocates.

7. Had it not been for the co-operation of all the stakeholders in this matter, the resolution would not have seen the light of the day in the near future. I once again record my appreciation to all the persons who have contributed in disposing of this appeal amicably so that both the parties leave the Court room with a smile on their face rather than only one party leaving the Court smiling and the other being disappointed. This matter sets up an example/precedent for the litigants to approach the problem with positive attitude with the intention of having peace finally which would relieve scarce resources to administer justice at a much better and faster speed for the economic development of the country.

8. Appeal is disposed of in terms of the Consent Terms referred to hereinabove and which are taken on record. In the process of settlement certain applications will be made to SRA authority and

the authorities are requested to process the application within six weeks so that the settlement terms can be acted upon.

9. If in the execution of the terms and conditions of the Consent Terms any impediment arises then liberty to the parties to approach the Court for necessary directions.

10. It is made clear that till the terms and conditions of the Consent Terms are satisfied and complied by the respective parties, the appellants would continue to act as an agent of the Court Receiver without paying any royalty or charges. However, the society charges and other outgoings will have to be borne by the appellants.

11. Before parting this matter teaches us something which is engrafted in the logo of one of the South Mumbai College : “I WILL & I CAN”

12. Appeal is disposed of in above terms. Consequently, Interim Applications, Civil Application do not survive and are disposed of.

[JITENDRA JAIN, J.]