



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

**CIVIL APPLICATION NO.254 OF 2019
WITH
INTERIM APPLICATION NO.30597 OF 2022
WITH
INTERIM APPLICATION NO.3486 OF 2019
IN
SECOND APPEAL NO.759 OF 2015
WITH
CONTEMPT PETITION NO.505 OF 2022**

Sau. Indubai Motiram Kolhe ...Applicant
In the matter between
Sitaram Nathu Katad ...Appellant

Versus

Nathu Rajaram Katad since
deceased through his LRs.
1-1) Sau. Gangubai Santu
Hagawane and Ors. ...Respondents

....

Mr. R.M. Haridas i/b. Mr. Pratik Rahade for the Applicant.
Mr. Devakinandan R. Singh for Respondent Nos.2.4 or 4.
Mr. Dilip Nathu Katade Respondent No.2-4 or 4 present.
Mr. Sarfaraj J. Shaikh i/b Mr. Harshad Inamdar for the original
Appellant in SA/759/2015 and for the Petitioner in Contempt
Petition.
Mr. S.B. Deore for Respondent No.7.
Mr. Atmaram Nathu Katad, Respondent No.7 present.
Mr. Vinod Baburao Katad Applicant No.3(i) in IA/3486/2019 is
present.
Ms Smita Gaidhani for the Applicant in IA/3486/2019.

CORAM: SMT. ANUJA PRABHUDESSAI J.

DATED: 13th OCTOBER, 2023.



P.C.:-

1. The Applicant herein seeks recall of order dated 09/11/2017 in Second Appeal No.759 of 2015. By the said order this Court took on record the consent terms and disposed of the second appeal as per the consent terms.

2. The consent terms were purportedly signed Respondent No.4 on his behalf and as a Power of Attorney of legal representatives of Respondent Nos.1 and 2 and on behalf of Respondent Nos.3, 5 and 6. The consent terms were also signed by Respondent No.7.

3. Learned counsel for Respondent No.4, the Power of Attorney, who had purportedly signed the terms, states that Respondent No.4 had not signed the consent terms and that his signature is forged. Respondent No.7 also disputes his signature on the consent terms. Learned counsel for Respondent Nos.4 and 7 state that the son of the Appellant had impersonated Respondent No.4 and forged his signature.

4. The consent terms were tendered before the Court on



09/11/2017, on which date Mr. D.T. Borade had appeared on behalf of the Respondents and had made a statement before the Court that he had already taken no objection from the previous Advocate and had undertaken to file vakalatnama within a week. Learned counsel for Respondent No.4 and other Respondents state that they had not engaged any Advocate by name Mr. D.T. Borade and that they had not signed the vakalatnama in his favour. Learned counsel for Respondent Nos.4 and 7 state that they have already lodged a complaint against Advocate Mr. D.T. Borade before the Bar Council of Maharashtra and Goa and also against the Appellant before the concerned police station.

5. In view of the above facts and circumstances, the Appellant to file his reply.

6. Learned counsel for the Respondents state that acting on the said consent terms the original Appellant has been entering into sale transactions.

7. Considering the accusations made by the Respondents against the Appellant, as well as his son, and Advocate D.T. Borade,



the Appellant is directed not to create third party rights and or alienate the property, which is the subject matter of the consent terms, in any manner till the next date of hearing.

8. Stand over to **20/10/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)