

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

FIRST APPEAL NO.684 OF 2007

Digamber Vinayak Belapurkar
(deceased), through L.Rs.

- 1-A. Prasad Digamber Belapurkar,
Age 38 years, Occu. Business
and Agriculture
- 1-B. Sunita wd/o Digamber Belapure,
Age around 70 years, Occu.Household

Both R/o Sangamner, Dist.Ahmednagar
- 1-C. Smt.Rajashree w/o Rajan Budukh,
Age Major, Occu.Household,
R/o Pimpri, Pune
- 1-D. Smt.Diplaxmi w/o Raghvendra
Shikhre, Age Major, Occu.Household
- 1-E. Smt.Varsha w/o Shrikant Kari,
Age Major, Occu. Household
R/o Hubli, District Dharwad,
(Karnataka)
(G.P.A. Holder of 1-B to 1-E) ..Appellants

Versus

- 1. Prabhakar Vinayak Belapurkar,
(deceased), through L.Rs.
- 1-A. Shri Krushna Prabhakar Belapurkar,
Age 88 years, Occu. Household,
R/o 2194, Laxmi Niwas, Bazar Peth,
Sangamner, District Ahmednagar
- 1-B. Sumati Avinash Joshi,
Age Major, Occu. Household
R/o Sukhad Co-op.Housing Society,
17, Second floor, Rajeev Nagar,
Mumbai-Agra road, Nashik
- 1-C. Vasant Prabhakar Belapurkar,
deceased - unmarried
- 1-D. Sanjay Prabhakar Belapurkar
Age 60 years

- 1-E. Subhash Prabhakar Belapurkar
Age 61 years,
- 1-F. Shrikant Prabhakar Belapurkar
(died unmarried)
2. Keshav Vinayak Belapurkar,
Age 77 years
3. Madhav Vinayak Belapurkar
Age 74 years,
4. Vishwanath Vinayak Belapurkar,
(deceased) through his L.Rs.
- 4-A. Smt.Rajani Vishwanath Belapurkar,
Age 71 years, Occu. Household,
Resp.No.1-D, 1-E, 2, 3 and 4-A
R/o Laxmi Niwas, Bazar Peth,
Sangamner, Dist. Ahmednagar
- 4-B. Sau.Ashwini Vinod Kulkarni,
Age 50years, Occu. Household
R/o Gayatri Apartment,
Tulsibag Wale, Colony No.8,
Sahakarnagar No.2, Pune 9
- 4-C. Sau.Pornima Atul Bhagat,
Age 46 years, Occu. Household
R/o Priya Housing Society,
Flat No.12, Tadiwala road,
Pune
- 4-D. Kshitija Vishwanath Belapurkar
Age 38 years,
R/o Laxmi Niwas, 2194,
Bazar Peth, Sangamner,
District Ahmednagar
5. Sau.Usha Sharad Deshmukh,
Age 75 years,
R/o Himgiri Bungalow,
Court Galli, Ahmednagar

..Respondents

Mr S.T. Shelke, Advocate for appellants
Mr L.V. Sangit, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 5th May 2015

PER COURT

1. The present appeal is by original plaintiff, who filed Special Civil Suit No.16 of 1979 for partition and separate possession of the suit properties.
2. The suit for partition came to be decreed on 23rd August 1991 with further direction to undertake an inquiry for mesne profit under Order XX Rule 12 of the Code of Civil Procedure.
3. A final decree came to be passed on 1st February 2006. Against the final decree, plaintiff has filed present appeal.
4. The original plaintiff Digamber expired, as such his legal representatives are brought on record. So also, the defendant has expired, whose legal representatives are already on record.
5. Respondents No.1-C and 1-F died issueless.
6. The appellant No.1-A Prasad is personally present in the Court, who holds special power of attorney for appellants No.1-B to 1-E. So far as respondent No.1-E Subhash is concerned, he holds power of attorney for respondents No.1-A and 1-B. Ashok son of Kesshav Belapurkar holds power of attorney for respondent No.2
7. So far as respondent No.1-D Sanjay and respondent No.5 Madhav are concerned, they are personally present in the Court.

8. Respondent No.4 since expired, his legal representatives are brought on record. Respondents No.4-A holds special power of attorney for respondents No.4-B, 4-C and 4-D.

9. Respondent No.4-A is personally present in the Court with original power of attorney. The respondent No.5 is represented through her daughter Smt.Shobhana Deshpande, who holds power of attorney for her.

10. The parties are identified by their respective Counsel.

11. Parties, in the open Court have agreed to the contents of the consent terms. They have also undertaken to produce the true copies of the deeds of special power of attorney.

12. Parties are in agreement that consent terms are in tune with the plaint and final decree are agreed and accepted and as such, taken on record.

13. Since the contents of the consent terms are admitted by the parties, who are present in the Court, original decree stands modified to the above extent.

14. First Appeal stands disposed of in above terms.

(N.W. SAMBRE, J.)

vvr