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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.503 OF 2014
WITH
CIVIL APPLICATION NO.8322 OF 2014

Nagesh Janardhan Kulkarni and Others

APPELLANTS

VERSUS

Vitthalrao Shankarrao Kulkarni & others

RESPONDENTS

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Mr. M. B. Bharaswadkar, Advocate for the appellants

Mr. S. B. Jadhav, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 15th DECEMBER, 2015

ORDER :

1. This is second appeal by defendants No. 3, 4 and 2 in regular civil suit No.161 of 2004.
2. Mr. Jadhav, learned advocate puts in appearance on behalf of respondent No.1 - original plaintiff.
3. Parties, it is being given to understand that, have arrived at settlement and compromise deed has also been entered into. The compromise deed is taken on record and marked "X" for the purpose of identification.

4. Learned advocates state that there is lawful agreement and compromise in writing, signed by the parties on affidavit. They have informed that the terms of compromise deed are explained to the parties and the parties have understood and accepted the same. The adjustment of claims are legal, proper and reasonable and not against public policy. According to learned advocates, the parties are satisfied with the compromise deed.

5. Parties are present before the court and their respective advocates have identified them and further informed that the terms of compromise have been duly accepted by the parties and have signed and verified the same on affidavit.

6. Learned advocates request to pass a decree in terms of the compromise.

7. In view of aforesaid, decree passed by learned District Judge – 2, Ambajogai, in Regular Civil Appeal No.51 of 2007 dated 17th January, 2014 stands modified and replaced according to terms of compromise. Regular Civil Suit No.161 of 2004 filed by the respondent No.1-plaintiff stands disposed of in terms of the compromise. Decree be drawn accordingly.

8. Second appeal accordingly stands disposed of.
9. In view of disposal of second appeal, civil application No.8322 of 2014 does not survive and stands disposed of.

[SUNIL P. DESHMUKH, J.]

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