

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

SECOND APPEAL NO. 158 OF 1991

SHANTABAI W/O AAVDHUT BANDGAR (DIED THR. L.RS.) & ANR
VERSUS
MARUTI S/O AMRUTA BANDGAR

...
Advocate for appellants : A.P. Bhandari
Advocate for respondents : B.R. Sontakke-Patil
...

CORAM : T.V. NALAWADE, J.
DATED : 20th July, 2016.

ORDER :

1. The appeal is filed to challenge the judgment and decree of Regular Civil Appeal No. 140/1987, which was pending in District Court, Osmanabad. The appeal was filed against judgment and decree of Regular Civil Suit No. 10/1981, which was pending in the Court of Civil Judge, Junior Division, Tuljapur, District Osmanabad. The suit was filed for relief of injunction and there was counter claim of defendant for possession of the same suit property. It appears that the Trial Court has granted relief of injunction and dismissed the counter claim of defendant. The First Appellate Court has dismissed the suit and has granted decree of possession in favour of defendant.

2. Today compromise document came to be filed. The parties are identified by their respective counsels. It was

submitted by the learned counsels for both the sides that it was Joint Hindu Family Property and both are entitled to have equal share in the property and accordingly, they have entered in to the compromise and so, the possession of the half portion will be given to the defendants by the plaintiffs. In view of nature of dispute and submissions made, the compromise is taken on record.

3. The judgment and decree of First Appellate Court is modified to make it in terms of compromise. Appeal is allowed in those terms. Prepare the decree accordingly.

[T.V. NALAWADE, J.]

ssc/