

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**CIVIL APPLICATION NO. 2129 OF 2016**
WITH
REVIEW APPLICATION ST. NO. 36954 OF 2015
IN
SECOND APPEAL NO. 576 OF 2006

(Shaikh Tophiak s/o. Shaikh Khaja Miya Vs. Mohd. Abdul Khaliqu & Anr)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders CORAM : A.V. NIRGUDE, J. DATED : 12.07.2016
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Mr.S.S. Gangakhedkar, Advocate for the applicant.

Mr.H.I. Pathan, Advocate for respondent Nos.1A to 1G.

Mr.P.V. Ambode, Advocate for R-2 to 5.

1. For the reasons stated in the application, delay caused in filing the review application is condoned. Civil Application for condonation of delay is allowed.

2. Heard submissions on review. A compromise took place between the parties in Second Appeal No.576 of 2006 and Second Appeal No. 1331 of 2004.

One of the parties agreed to sell part of the suit-land to other party. The applicant is owner of adjoining land. He has grievance now that because of the compromise to which he was not party, he is threatened to dispossess and encroach etc. The Court which recorded the compromise is now unable to correct the compromise decree mainly because the applicant was not party to it. This compromise has nothing to do with the applicant and therefore if he has any grievance about outcome of the compromise, he would have independent cause of action. Such liberty is always there with the applicant.

3. In view of such liberty and alternate remedy available to the applicant, the review application stands disposed of.

[A.V.NIRGUDE, J.]