

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

WRIT PETITION NO. 619 OF 2014

Shri Kokani Kutubuddin Gulam Husain
& ors.

... Petitioners

v/s

Sau.Bhagirathi Jivaram Vaje & ors.

... Respondents

Mr.G.T.Kanchanpurkar along with Ramdas Shelke for the petitioners.

Mr.R.M.Haridas for Respondent No.1.

Mr.Rajesh Parab for Respondent No.6.

Coram: N.M. Jamdar, J.

Dated: 29 August 2016

ORAL ORDER:

Heard learned counsel for the parties.

2 By the impugned order, a joint application was moved by the original Plaintiff and Petitioner/Defendant Nos.16 to 19 for compromising their pending suit.

3 By the impugned order, the learned Civil Judge held that such a

compromise excluding the others, when the property is a joint family property, cannot be entered into, and rejected the application. Before the learned Civil Judge, the compromise was opposed by Defendant No.5.

4 Learned counsel for the Petitioners submitted that the Petitioners have compromised the dispute with Defendant No.5, who had taken objection when the impugned order was passed. This may be the position but still the learned Civil Judge will have to consider the effect of compromise with Defendant No.5, as to what are its implications on the pending suit. Therefore, the writ petition is disposed of by giving liberty to the Petitioners to move the learned Civil Judge, Senior Division, Nashik, in the pending suit for appropriate orders in view of compromise between the Petitioners and Defendant No.5. With this liberty, the writ petition is disposed of.

(N. M. Jamdar, J.)