

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Second Appeal No.38 of 2008
(Abdul Rahman s/o Abdul Mallik Lallani v. Maroti s/o Botya Muppidwar
and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri S.R. Deshpande with Smt. Priya Zoting, Advocates for
Appellant/Applicant.
Shri Girish Kandhari, Advocate, holding for Dr. Anjan De,
Advocate for Respondent Nos.2 to 5.

Coram : R.K. Deshpande, J.
Date : 25th November, 2016

The learned counsel for the appellant has filed two civil applications for condonation of nine days' delay caused in filing an application for setting aside abatement and bringing the legal representatives of the respondent No.2-deceased Tarabai w/o Rambhau Langadwar, and another application for condonation of nine days' delay caused in setting aside abatement on account of the death of the respondent Nos.2(3)-Ravindra s/o Rambhau Langadwar. The applications are not opposed by any of the parties.

Hence, for the reasons stated in both these applications, the same are allowed. The delay caused is condoned.

Both the civil applications are disposed of.

The learned counsel for the appellants have filed four applications, which are the applications for setting aside abatement and bringing the legal representatives of the deceased-respondent Nos.2 and 2(3) on record.

For the reasons stated in these applications, the same are allowed. The abatement of appeal, so far as the respondent Nos.2 and 2(3) are concerned, is set aside and the names of the legal representatives of the said deceased-respondents are permitted to be brought on record. Necessary amendment be carried out within a period of one week from today.

All these four civil applications are disposed of.

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Heard the learned counsels appearing for the parties.

The parties have filed an application for compromise under Order XXIII, Rule 3 of the Code of Civil Procedure.

The learned counsels appearing for the appellant submits that the appellant is personally present in this Court and has signed the applications in this second appeal for compromise.

The learned counsel appearing for the respondents submits that the respondents are personally present in this Court and they have put their signatures on the application for compromise.

The learned counsels for the parties identify the parties

personally present in this Court and submit that the decree passed by both the Courts below be substituted by the terms of compromise entered into between the parties in respect of the suit property, which are contained in the application for compromise.

In view of above, by consent of the parties, this second appeal is disposed of and the decree passed by the Courts below stands substituted by the terms of compromise, which shall be acted upon by the parties concerned. The application for compromise shall form part and parcel of this order.

Judge.

Lanjewar