

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

SECOND APPEAL NO. 853 OF 2012

Mustaffa Gaibi Saheb Mulani (Inamdar) .. Appellant/orig.
Defendant no.1

versus

Abdul Razak s/o Gaibi Saheb Inamdar
and another .. Respondents/Resp.
No. is orig. plaintiff
and Resp. No. 2
is orig. Deft No.2

Mr. Sandip C. Swami, Advocate h/f Mr. V.D. Gunale, Advocate for
for appellant
Mr. K. K. Kulkarni, Advocate for respondent no.1
Mr. Y. B. Bolkar, Advocate h/f Mr. A. A. Mishra, Advocate for
respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.
DATE : 3rd April, 2017

ORDER :

1. Learned counsel for the parties state that plaintiff and defendant no. 1 (appellant and respondent no. 1) who are real brothers have amicably settled the dispute between them and have reduced the terms of settlement into writing which have been placed before this court captioned as "compromise terms".

2. Learned counsel further state that compromise terms have been verified on affidavit before the competent officer authorized to verify on oath. They further refer to that the terms of compromise are not forbidden by law nor are those opposed

to any public policy. The terms of settlement have been read over and explained to the plaintiff and defendant no. 1 and they have solemnly accepted the same.

3. It is further being referred to that plaintiff and defendant no. 1 were before the concerned competent officer authorized to verify the documents on affidavit and they were identified by their respective counsel. Plaintiff and defendant no. 1 are also present in the court and the advocates have identified their presence.

4. Learned counsel for defendant no. 2-bank refers to that all the disputed money has been withdrawn by defendant no. 1 and that the bank has no particular objection to the recording of terms of compromise and disposal of second appeal in terms of said compromise terms.

5. Having regard to aforesaid, the second appeal stands disposed of in terms of settlement between the plaintiff and defendant no.1.

6. The terms of compromise are taken on record and marked 'X' for the purpose of identification.

SUNIL P. DESHMUKH,
JUDGE

pnd