

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

936 WRIT PETITION NO. 3807 OF 2013

RAM SHAMRAO MALWADE (PATIL)
VERSUS
SANTOSH NAMDEVRAO MALWADE (PATIL) AND ORS

Shri. V.D. Gunale, Advocate, for petitioner.
Shri. S.V. Gundre, Advocate, for respondents 2 to 8.

Coram: T.V. NALAWADE, J.

Date: 7 July 2017.

ORDER:

1) The petition is filed to challenge the order made by the learned Civil Judge, Junior Division, Latur on Exhibit 11 in Regular Civil Suit No.401/2012. Both the sides are heard.

2) Application at Exhibit 11 was moved as "compromise document" by both the sides. Prayer was made to allow the suit in terms of the compromise. The suit was filed for the relief of injunction but some admissions were given by the parties with regard to the shares in the land, which they were getting, and accordingly revenue record is required to be changed. In a suit for injunction, such decree involving change of

revenue record could not have been given. As they were claiming such decree, trial Court rightly refused to do it.

3) The learned counsel for both the sides submitted that the parties were interested only regarding the compromise. The order made by the trial Court shows that the parties were present before the Court with their Advocates and they had admitted the compromise. Thus, it can be said that the compromise was read and verified in the presence of the parties and it was recorded but decree could not have been passed. Such suit can be disposed of as withdrawn though the decree in terms of the compromise cannot be passed considering the nature of compromise. It will be open to the petitioner to use such compromise before the revenue authority if the parties file application before the revenue authority for change of record. In view of these submissions and circumstances the order of the trial Court refusing the compromise stands there. However the suit shall stand disposed of as withdrawn. The petition is disposed of accordingly.

Sd/-
(T.V. NALAWADE, J.)

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