

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2223 OF 2015
WITH CA/10752/2015 IN FA/2223/2015
WITH
CIVIL APPLICATION ST. NO. 16239 OF 2017

TUKARM SITARAM LANDGE AND ANOTHER
VERSUS
ALKA SHASHIKANT BHAGDE AND OTHERS

...
Advocate for Appellants : Mr. Bhalerao R.D.
Advocate for Respondents 1 to 5: Mr. S.S. Dixit

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CORAM : V. K. JADHAV, J.
DATED : 3rd MAY, 2017

PER COURT:-

1. Heard both sides.
2. Learned counsel for the respondents in first appeal has tendered across the bar civil application (st.) No. 16239 of 2017 filed on behalf of respondent Nos. 1 to 4 in the first appeal, thereby seeking leave to enter into the compromise on behalf of and for the benefits of applicant Nos. 2 and 3. For the reasons stated in the civil application, civil application is allowed in terms of prayer clause "A" and disposed of.
3. Learned counsel for the respondents/original claimants submits that during pendency of appeal. Respondent No.5 Tukaram

Dhondu Bhagde died leaving behind him his two sons viz. Ramakant and Shrikant. Learned counsel for the appellants seeks leave to substitute those legal heirs on record in place of respondent No.5 Tukaram. Leave granted.

4. Learned counsel for the respondents-claimants appears for those legal heirs has also submitted an affidavit of those legal heirs giving their no objection for the compromise and also giving their no objection if the amount in terms of the compromise is paid to remaining claimants.

5. In view of the terms of compromise and the affidavits filed by the legal heirs of respondent No.5 Tukaram-original claimants, which are placed on record, the first appeal is disposed of. The parties to bear their own costs.

6. Appeal is accordingly disposed of.

7. Pending civil application is also disposed of.

(V. K. JADHAV, J.)