

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 1535 OF 2015****IN****SECOND APPEAL NO. 217 OF 2011**

Smt.Dhondabai alias Marathe	...Applicant/Appellant
vs.	
Shri Krishna Maruti Kambale & Ors.	...Respondents

ALONGWITH**CIVIL APPLICATION NO. 134 OF 2015**

Shri Krishna Maruti Kambale & Ors.	...Applicants/Appellants
vs.	
Smt.Dhondabai alias Marathe	...Respondent

ALONGWITH**CIVIL APPLICATION NO. 135 OF 2015**

Smt.Dhondabai alias Marathe	...Applicant/Appellant
vs.	
Shri Krishna Maruti Kambale & Ors.	...Respondents

ALONGWITH**CIVIL APPLICATION NO. 136 OF 2015**

Shri Krishna Maruti Kambale & Ors.	...Applicants/Appellants
vs.	
Smt.Dhondabai alias Marathe	...Respondent

**ALONGWITH
CONTEMPT PETITION NO. 53 OF 2016**

Smt.Dhondabai alias Marathe	...Applicant/Appellant
vs.	
Shri Krishna Maruti Kambale & Ors.	...Respondents

Mr.Sachin K. Hande for Applicant/ Petitioner.
Mr.Ashish Pawar for Respondent Nos.1, 3, 4 and 7.

CORAM : S.C. GUPTE, J.

8 FEBRUARY 2017

P.C.:

Heard learned Counsel for the Appellant / Applicant.

2 Civil application No.1535/2015 is for bringing on record legal heirs of deceased Respondent No.2 in the second appeal. There is a delay in taking out the present civil application. The delay is explained in the civil application. For the reasons stated in the civil application, the delay is condoned and the civil application is allowed in terms of prayer clauses (a) and (b).

3 The second appeal arises from a suit for partition and possession between members of a family, who are parties to the second appeal. The matter is settled between Respondent Nos.1 to 4 and 7, on the one hand, and Respondent Nos.5 and 6, on the other, before the first appellate court. Now there is a settlement agreement entered into between the Appellants and Respondent Nos.1 to 4 and 7.

4 Learned Counsel for the Appellants tenders the original settlement agreement executed between the parties along with its

annexures. The same is taken on record, marked "X" for identification. Learned Counsel submits that he proposes to withdraw the second appeal in terms of the settlement. Learned Counsel states that in the meantime, during the pendency of this second appeal, Respondent No.7 has expired. The heirs of Respondent No.7 are already parties to the settlement agreement taken on record, today. In the premises, the legal heirs of deceased Respondent No.7, who are parties to the settlement agreement today, are brought on record as legal heirs of Respondent No.7, Shripati Maruti Kamble, and joined as party Respondents to the present second appeal. The Appellants are, accordingly, permitted to amend the cause title of the second appeal. Such amendment to be carried out within a period of two weeks from today.

5 The second appeal is dismissed as withdrawn. No order as to costs.

6 In view of the disposal of the appeal, other civil applications, namely, Civil Application Nos.134/2015, 135/2015 and 136/2015, do not survive and the same are disposed of.

7 In view of the settlement between the parties, noted as above, learned Counsel for the Petitioner in Contempt Petition No.53/2016 does not press his petition. The contempt petition is also dismissed as withdrawn. No order as to costs.

(S.C. GUPTE, J.)