

Rane (sr.901)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**Second Appeal NO. 94 OF 2016
WITH
Civil Application No. 148 of 2016**

Shri. Dnyaneshwar Raghunath Jadhav

....Appellant

Versus

Smt. Ratnaprabha Sitaram Deshmukh

And Ors.

...Respondents

Mr. Sandeep Waghmare, Advocate for the Appellant/Applicant.

Mr. R.M. Haridas a/w. Mr. Abhijit Patil i/by. Mr. Ajay Patil, Advocate for Respondents no.1 to 5.

CORAM: N.M. JAMDAR, J

DATED: 28th April, 2017

ORAL ORDER :-

. This Second Appeal was adjourned from time to time since the parties were taking steps to resolve the dispute amicably. The learned Counsel for the Appellant and Respondents no.1, 5 state that they have resolved the dispute amicably. The learned Counsel for the parties, state that, Respondent no.1 who is the Purchaser and the Appellant are present

in the Court. The learned Counsel state that, Respondents no.2 to 5 have already sold their rights in the suit land to Respondent no.1 and their presence is not necessary. This statement is accepted. The Learned Counsel for the parties state that, they have prepared a sketch which is signed by the parties in which it is agreed that, southern portion of the suit land shaded in Red will be retained by the Appellant when the final decree is drawn by the Collector. At the joint request, the map is taken on record and marked 'X'. The Collector would accordingly proceed to draw the final decree and handover possession pursuant to the understanding of the parties which is reproduced in terms of the sketch marked 'X'.

2. Learned Counsel for the parties state that, in view of this understanding, the dispute raised in this Second Appeal stands resolved. The Appeal stands disposed off as above.

3 The Collector would act on the understanding of the parties as per the map. In view of the fact that the parties have demarcated their shares, the Collector will act expeditiously. The Civil Application does not survive and stands disposed off.

(N.M. JAMDAR,J.)