

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO. 908 OF 2012

Madhavlal Dashrathlal Agarwal ... Appellant
V/s.
Ramesh Dashrathlal Agarwal & ors. ... Respondents

WITH

**CIVIL APPLICATION NO. 585 OF 2013
IN
SECOND APPEAL NO. 908 OF 2012**

Madhavlal Dashrathlal Agarwal & anr. ... Applicants
V/s.
Ramesh Dashrathlal Agarwal & ors. ... Respondents

WITH

**CIVIL APPLICATION NO. 1394 OF 2013
IN
SECOND APPEAL NO. 908 OF 2012**

Madhavlal Dashrathlal Agarwal ... Applicant

In the matter of

Madhavlal Dashrathlal Agarwal & anr. ... Appellant
V/s.
Ramesh Dashrathlal Agarwal ... Respondents

WITH

**CIVIL APPLICATION NO. 54 OF 2017
IN
SECOND APPEAL NO. 908 OF 2012**

Mrs. Parvatibai Madhavlal Agrawal & anr. ... Applicants

In the matter of

Madhavlal Dashrathlal Agarwal

since dead through Lrs.

Mrs. Parvatibai Madhavlal Agarwal

... Appellant

V/s.

Ramesh Dashrathlal Agarwal

... Respondents

...

Mr. Amey Deshpande for the appellants.

Mr. Pratik Rahade i/b. Mr. S. V. Khaire for respondent nos.3 & 4.

...

CORAM : S. C. GUPTE, J.

DATE : 24 FEBRUARY, 2017.

P.C. :

. Learned Counsel for the parties tender a compromise deed executed between the appellant and respondent nos.3 and 4. Respondent nos.1 and 2 are deceased and have no legal heirs. The Appeal, thus, stands abated against respondent nos.1 and 2. Learned Counsel for the appellant does not press the Second Appeal against respondent nos. 5, 6A to 6C, 7 and 8. Learned Counsel for the appellant requests the Court to take the compromise deed on record and dispose of the Second Appeal as between the appellant and respondent nos.3 and 4 in its terms. The Second Appeal is, accordingly, dismissed as not pressed against respondent nos.5, 6A to 6C, 7 and 8. The compromise deed entered into between the appellant and respondent nos.3 and 4, duly signed by the parties and their respective Advocates, is taken on record and marked 'x' for identification. The statements / undertakings contained therein are accepted.

2. The Second Appeal is disposed of between the appellant and respondent nos.3 and 4 in terms of this compromise deed. No order as to costs.

3. In view of the disposal of the Second Appeal, the civil applications do not survive and, accordingly, stand disposed of.

4. The Tahshildar, Daund, is directed to act on an authenticated copy of this order and the compromise deed entered between the appellant and respondent nos.3 and 4, for division of Gut No.315 in accordance with clause (d) of paragraph-1 of the compromise deed.

(S. C. GUPTE, J.)