

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.160 OF 2017

RAJENDRA S/O NILKANTH DUMBHARE
VS
SMT. GITAPRASAD WD/O SHIVKUMAR PRASAD & OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. S. Potey, Advocate h/f Shri S. Y. Deopujari Advocate for the
appellant.
Shri Kuldeep Mahalle, Advocate h/f Shri R. T. Anthony, Advocate for the
respondent no.5.

CORAM : A.S. CHANDURKAR, J.
DATED : AUGUST 01, 2017.

Leave to annex Annexure No.1 to the agreement. The
same be done during the course of the day.

This appeal has been filed by the Objector in the
execution proceedings that were initiated by the respondent nos.1
to 5. The decree in question was passed in the suit for specific
performance in which compromise decree was passed on 1-9-2009.
In the execution proceedings attachment of the property of
objector was sought. That objection came to be allowed on
18-1-2013 and decree holder was granted liberty to proceed for
recovery of the decretal amount. The first appellate Court by
judgment dated 19-1-2017 allowed the appeal and set aside the
order dated 18-1-2013.

During pendency of the proceedings, the matter was
referred to the mediator. The report has now been submitted that

the mediation has been successful. The parties have settled their dispute as per agreement dated 24-7-2017. Copy of that agreement is placed on record which is duly signed by the parties. The decree holder has been paid a sum of Rs.3,20,000/- by the objector.

The appellant and the respondent No.5 who is the power of attorney holder of the respondent nos.1 to 5 are present in the Court today and admit the settlement.

In view of aforesaid, the second appeal is disposed of in terms of agreement dated 24-7-2017 arrived at between the parties. The same shall bind the parties. No costs.

JUDGE

/MULEY/