

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO.473 OF 2003

Shantabai wd/o Madanlal Sharma and ors.

-vs-

Ratandas s/o Bhagwandas Rangalani (dead) by legal heirs Bhawani wd/o Ratandas
Rangalani and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. K. Joshi, Advocate for appellants.

Shri S. R. Borkar, Advocate for respondent No.1(A to D).

Shri U. R. Borkar, Advocate for LR's. of respondent No.1(C).

CORAM : A.S.CHANDURKAR, J.

DATE : September 05, 2017

Pursis St. No.7006 of 2017

As the appellant Nos.2 and 3 are stated to be the legal heirs of appellant No.1, the name of appellant No.1 is permitted to be deleted. Deletion be carried out forthwith.

C.A.S. No.806 of 2017

By this application it is jointly prayed by the parties that the consent terms arrived at between them be taken on record.

The respondents are the original plaintiffs who had filed suit for possession. The said suit was decreed. The appeal preferred by the present appellants was dismissed and hence the second appeal came to be filed.

During pendency of the appeal, the parties have agreed that the defendants-appellants would pay the plaintiffs-respondents a sum of Rs.30,21,000/- in lieu of damages. The manner in which such payment is to be made is also agreed. An amount of Rs.10,00,000/- has been paid by the appellants which has been received by the respondents. The balance amount has to be paid by 31/07/2018.

In view of the mutual understanding between the parties that has been reduced in writing, the application is allowed. The terms of settlement as duly signed are taken on record. Same would be binding on both the parties who shall abide by the same. Liberty is reserved in either of the parties to apply if there is failure on the part of the other party to comply with the same.

Second Appeal No.473 of 2003

In the light of the compromise arrived at between the parties as per Civil Application No.806 of 2017, the second appeal is disposed of in aforesaid compromise terms dated 23/07/2017. Decree be drawn in terms of settlement. There would be no order as to costs.

JUDGE