

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

SECOND APPEAL NO.365 OF 2009

Vinayak s/o Pandurang Tipale

-vs-

Vasudeo s/o Chandrabhanji Ladekar 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 S. V. Sohoni, Advocate for appellant.

Shri M. Anilkumar, Advocate for respondent No.1.

Shri S. R. Chakravarti, Advocate for respondent Nos.4 and 5.

Shri S. N. Chichbankar, Advocate for respondent No.8.

CORAM : A.S.CHANDURKAR, J.

DATE : September 05, 2017

Civil Application (CAS) No.960 of 2017

By this application it is prayed that Smt. Mahek w/o Ashok Lalwani be added as respondent No.8 in the appeal. It is stated that during pendency of the appeal a portion of the suit property has been sold by defendant No.1 to the proposed respondent No.8. During the course of mediation proceedings, it has been agreed that she would retain the half portion of plot No.2888. It is further submitted that said party has also signed the terms of settlement dated 21/08/2017.

The party proposed to be added is present in Court through her counsel. The aforesaid facts are not disputed. Hence application is allowed in terms of its prayer. Amendment be carried out forthwith. Civil

application is disposed of.

Second Appeal No.365 of 2009

The appellant is the original plaintiff who has filed suit for a declaration that the sale deed dated 23/04/1993 executed by respondent Nos.2 to 7 in favour of respondent No.1 is not binding on him. The suit was decreed. The appellate Court partly modified the decree and granted half share to the plaintiff. Being aggrieved, he has filed this second appeal.

During pendency of the appeal, the proceedings were referred for mediation. Report has been submitted on 22/08/2017 by the Co-ordinator in which it is stated that the process of mediation has been successful. It has been agreed on 21/08/2017 that the present appellant along with respondent No.8 would retain the suit property in the manner as indicated in the agreement and the accompanying map. The agreed terms have been duly signed by the concerned parties. The appellant as well as respondent No.8 are present in Court today and they admit to contents of the agreement. In view of aforesaid, the second appeal is disposed of in terms of agreement dated 21/08/2017 entered into during the course of mediation proceedings. Decree be drawn accordingly. No order as to costs.

JUDGE

Asmita