

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO.497 OF 2018

1. Keshav Punjaba Kadam
Age 53 years, Occu:Agri.
2. Atmaram Punjaba Kadam,
Age 50 years
3. Gokul Keshav Kadam,
Age 27 years, Occu. Agri.
4. Chabubai Punjaba Kadam,
deceased through her L.Rs.
Appellant Nos.1 & 2
5. Hirabai Pundlik Kadam,
Age 68 years, Occu:Agri.
6. Sunita Keshav Kadam,
Age 49 years, Occu.Aгри.
7. Anita Atmaram Kadam,
Age 46 years, Occu:Agri.
8. Sonali Keshav Kadam,
Age 25 years, Occu. Agri.

Appellant Nos.1 to 8
All R/o. Ravande, Tq.Kopargaon,
District Ahmednagar.

.. APPELLANT
[Ori.Defendants]

VERSUS

1. Dattatraya Eknath Kadam,
Age 64 years, Occu:Agri.

2. Vimalbai Dattatraya Kadam,
Age 59 years, Occu:Agri.
3. Balasaheb Dattatraya Kadam,
Age 34 years, Occu:Agri.

Respondent Nos.1 to 3
R/o. Ravande, Tq.Kopargaon,
District Ahmednagar. .. **RESPONDENTS**
[Ori.Plantiffs]

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Mr.S.D.Kulkarni, Advocate for the appellants.
Ms.Monali Patil, Advocate for the
respondents.

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CORAM : A.M.DHAVAL, J.
DATE : 24.10.2018

ORDER:

1] In this Second Appeal, the parties have filed compromise terms on 19th October, 2018 and 22nd October, 2018. The appellants are represented by Special Power of Attorney Shri Keshav Punjaba Kadam i.e. appellant no.1 and respondents are represented by Special Power of Attorney, Shri Balasaheb Dattatraya Kadam i.e. respondent no.3. Mr.S.D.Kulkarni, learned Advocate for appellants and Ms.Monali Patil, learned Advocate for the respondents

submit that the Power of Attorneys are filed on record.

2] The Registrar [Judicial] has verified the terms of compromise from the parties. I have also verified the terms of compromise from the Power of Attorney Holders i.e. appellant no.1 and respondent no.3 in presence of their Advocates and they have agreed to the said terms and conditions.

3] There is no dispute that the appellants shall be entitled for the properties bearing Gat No.120/2 and Gat No.121/1, whereas the respondents shall be entitled for remaining lands.

4] In view of the terms of compromise, the Second Appeal is partly allowed. The judgment and decree passed by the trial Court and the First Appellate Court are partly set aside. The Regular Civil Suit No.142 of 2009 is decreed in terms of all properties except

the properties bearing Gat Nos.120/2 and 121/1 and defendants are perpetually restrained from disturbing the possession of the plaintiffs over all the lands except Gat Nos.120/2 and 121/1.

5] The dismissal of the counter claim is set aside and counter claim is partly allowed. The plaintiffs in the trial Court are restrained from disturbing the possession of the defendants [counter claim plaintiff] from the suit land bearing Gat Nos.120/2 and 121/1. The terms of compromise filed on 19th October, 2018 are marked as Article-X and shall form part of the compromise decree. The decree shall be drawn up accordingly.

6] Civil Application No.8134 of 2018 does not survive and the same stands disposed of accordingly.

[A.M.DHAVALA]
JUDGE