

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

LETTERS PATENT APPEAL NO. 238 OF 2011

Gangadhar S/o Dnyaneshwar Sadhu & Anr. Appellants...

Versus

Mesaji S/o Laxman Ubare & Ors. Respondents...

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Mr G. K. Naik Thigale, Advocate for the appellants
Mr V. D. Gunale, Advocate for respondent No. 1
Mr Milind Patil, Advocate for respondent No. 2
Mr V. D. Salunke, Advocate for respondent No. 4A

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WITH
CIVIL APPLICATION NO. 1830 OF 2014
IN
LETTERS PATENT APPEAL NO. 238 OF 2011

CIVIL APPLICATION NO. 8967 OF 2011
IN
LETTERS PATENT APPEAL NO. 238 OF 2011

CIVIL APPLICATION NO. 8965 OF 2011
IN
LETTERS PATENT APPEAL NO. 238 OF 2011

CIVIL APPLICATION NO. 3007 OF 2018
IN
LETTERS PATENT APPEAL NO. 238 OF 2011

**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 27TH AUGUST, 2018.

PER COURT:-

1. Learned counsel appearing on behalf of the respective parties submit that the parties have arrived at a settlement.

2. On 24th August, 2018, in view of the submissions made by the learned counsel appearing on behalf of the respective parties, we had directed the learned Registrar (Judicial) of this Court to verify the terms of settlement so as to assess the genuine and *bona fide* intention of the parties. In compliance to the directions issued by this Court, the learned Registrar (Judicial) undertook the exercise of verification of terms of settlement and assessed the genuine and *bona fide* intention of the parties, and on arriving at a positive satisfaction a report is submitted to this Court duly signed by the learned Registrar (Judicial), respective parties and their counsel.

3. Mr. Thigale, learned counsel appearing for the appellants and Mr Pahilwan, learned counsel for the respondents submit that the parties are present in this Court. Sole-respondent one Mesaji s/o Laxman alias Mesa Lakshya Ubare, who is at the age of 90 and above as on today, is also present in the court along with his GPA – Rangnath Kishanrao Vasmatkar (Ubare).

4. On a query put to the parties, who are present in this court, they admit that they are aware of the terms of settlement. They admit that they have been explained about the terms of settlement in

vernacular. As per the terms of settlement, and more particularly clause 5 thereof, the appellant is ready to hand over demand drafts of Rs. 17,50,000/- each, to the respondents in this court.

5. Mr. Thigale, the learned counsel for appellant submits that, clause no. 5 of the settlement terms is already complied with and two demand drafts of Rs. 17,50,000/- each, bearing No. 155372 and 155373, dt. 13.07.2018, are already handed over to the learned counsel representing the respondents. Mr Pahilwan, learned counsel for the respondents, accepts the said contention of Mr Thigale.

6. In view of the settlement arrived at between the parties in terms of compromise, the Letters Patent Appeal stands disposed of.

7. In view of disposal of Letters Patent Appeal, nothing is left for consideration in the connected civil applications and same stand disposed of.

[MANISH PITALE]
JUDGE

[PRASANNA B. VARALE]
JUDGE