

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

WRIT PETITION NO. 9127 OF 2018

**JITENDRA YADUNANDAN CHAWADA AND ANOTHER
VERSUS
VIMALA SURESH HOUSMANI PATIL AND OTHERS**

...
Advocate for the Petitioners : Shri A. R. Vaidya
Advocate for Respondent No. 1 : Shri P. F. Patni
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th SEPTEMBER, 2018.

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PER COURT :

1. I have heard the learned Advocate for the petitioners who are original defendant Nos. 9 and 10 and the learned Advocate appearing on caveat for respondent No.1 / original plaintiff.

2. The grievance of the petitioners is that terms of compromise in a family dispute voiced in Special Civil Suit No.243/2012 were drawn. Defendant Nos. 5 and 6 though have appeared in the Court, have neither formally accepted the compromise nor have they opposed it.

3. These petitioners filed application Exh.90 seeking issuance of summons to defendant Nos. 5 and 6 who are already before the Court. By the impugned order 07/06/2018, Exhibit 90 has been rejected on the ground that the absence of defendant Nos. 5 and 6 would indicate that they are not in favour of a compromise.

4. Learned Advocate for the plaintiff submits that since family members are involved, it would always be in the interest of all the members to amicably settle the matter before the Court. The plaintiff would have no objection if the terms of the compromise are acceptable to all the litigating parties.

5. Considering the above, I do not find that the impugned order rejecting Exh.90 could be faulted since it would be open to defendant Nos. 5 and 6 to come forward and disclose whether they intend to accept the terms of the compromise or not.

6. As such, this petition is disposed off. I do not find any legal impediment for the litigating parties to sit together and

work out a compromise, if so desired, keeping in view that the family members are involved, inasmuch as they may request the Trial Court to refer the matter to a trained mediator to explore the possibility of a settlement.

(RAVINDRA V. GHUGE, J.)

shp/-