

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

**P4 SECOND APPEAL NO.574 OF 2015
WITH CA/13205/2015 IN SA/5744/22015**

Anantrao Ganpatrao Talekar
and others

... Applicants.

Versus

Syed Mumtaj Ali Syed Wahed Ali
and another

... Respondents.

....

Mr. Subodh P. Shah, Advocate for the Appellants.
Mr. Harshal P. Randhir, Advocate for Respondent No.1.

....

CORAM : V.L. ACHLIYA, J.

DATED : 03rd MAY, 2018

PER COURT:-

1. Not on Board. Taken on Board.
2. The appellant and respondent No.1 are present along with their respective counsel and file Application along with joint *purshis* of terms of settlement arrived at between the parties. Learned counsel for the appellant submit that respondent no.2 is not alive and so also no cause survives to prosecute the appeal against the deceased respondent no.2 as she has sold her share in the property to the appellants.
3. Perused the report submitted by Registrar (Judicial) submitted after identification and verification of term of compromise by parties.
4. The advocate appearing for the appellants as well as respondent no.1 identify their respective clients and submit that

the settlement arrived at between the parties is voluntarily and they have signed the terms of compromise. Parties present before the Court admit the contents of the consent terms recorded therein to be true and correct and recorded as per the settlement arrived at between them. The compromise *purshis* is marked as 'X' for identification. The Civil Application seeking compromise is marked 'X2' for identification.

5. In view of the settlement arrived between the parties, following order is passed:

ORDER

I) The Appeal stands disposed of in terms of consent terms filed as 'X' for identification.

II) The amount lying deposited be paid in terms of settlement arrived at between the parties.

V) Decree be drawn accordingly.

6. Rule made absolute in above terms.

7. In view of disposal of the Second Appeal, all pending applications stands disposed of in terms of order of disposal of appeal.

**(V.L. ACHLIYA)
JUDGE**

SPR