

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

SECOND APPEAL NO.2 OF 2011

Chandrakalabai w/o Mahadeorao Sathawane and anr.

-vs-

Ashabai w/o Pundlikrao Mendhule

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. D. Bhuibhar, Advocate for appellants/applicants.
Shri M. R. Johrapurkar, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : September 14, 2018

Civil Application No.1155/2018

This application has been filed under provisions of Order XXIII Rule 3 of the Code of Civil Procedure, 1908 for recording the compromise entered between the parties.

The respondent herein had filed suit for recovery of possession of Municipal House No.2577A/A-1. The trial Court partly decreed the suit and directed to hand over possession of area admeasuring 1890 sq. ft. The appellate Court confirmed that decree and dismissed the appeal. During pendency of the Second Appeal the parties have agreed that the suit property would be sold by the respondent herein to the appellant No.2(a). The terms of agreement between the parties are mentioned in paragraph 5 to 5C.

The parties are present in Court and are also represented by their counsel who have identified them respectively.

The application is duly signed by all the parties. As the terms of settlement are found acceptable the settlement

between the parties is accepted. Accordingly the Civil Application is allowed and the following order is passed :

The judgment and decree passed in S.C.S. No.24/1988 dated 30/08/2004 stands modified. Instead there would be a decree in terms of compromise as stated in paragraphs 5 to 5C of the Civil Application.

Decree be drawn accordingly.

The Second Appeal is disposed of in aforesaid terms with no order as to costs.

JUDGE