

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

CIVIL APPLICATION (CAO) NO.1245 OF 2017
IN
MISC. CIVIL APPLICATION (REVIEW) ST. NO.19008 OF 2017
IN
SECOND APPEAL NO.451 OF 2015 (D)

Megha w/o Raju Choudhari and ors.

-vs-

Shantabai wd/o Vinayk Rao Deshmukh and anr.

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

Court's or Judge's Orders.

Shri A. C. Dharmadhikari, Advocate for applicants.
Shri K. R. Lule, Advocate for non-applicant No.1.
Non-applicant No.2 in person.

CORAM : A.S.CHANDURKAR, J.
DATE : January 17, 2018

By this application it is prayed that the delay in
filing the review application be condoned.

As the parties have arrived at compromise, and the
prayer is not opposed by the non-applicants, the delay in
filing review application stands condoned.

Civil application is allowed and disposed of.

M.C.A. (Review) St. No.19008 of 2017
with C.A. No.84 of 2018

By this miscellaneous application a prayer is made
that the judgment dated 18/07/2017 in Second Appeal

No.451 of 2015 be reviewed. Though various grounds for seeking review of that judgment have been raised, parties to the litigation have arrived at a settlement.

Civil application No.84 of 2018 has been filed by the parties jointly in which it is stated that on account of the understanding entered into between them, the judgment dated 18/07/2017 be recalled and the second appeal be disposed of in terms of the compromise. The terms of compromise have been stated from paragraphs 4 onwards. It is agreed by the plaintiffs-applicants as well as the defendants/non-applicants that the decree passed by the trial Court dismissing the suit which was confirmed by the first appellate Court and maintained by this Court in the second appeal be set aside and instead the decree be passed in terms of the compromise.

The parties to this compromise are present in Court today. They have been identified by their learned counsel. The present application is also signed by all the parties. I have perused the terms of agreement which I find to be reasonable. In view of aforesaid the following order is passed :

The judgment dated 18/07/2017 in Second Appeal

No.451 of 2015 is recalled in view of aforesaid compromise. The Second is restored. In view of the compromise between the parties, decree is passed in R.C.S. No.335 of 1991 in terms of paragraphs 6 to 11 of Civil Application No.84 of 2018. The aforesaid terms would be binding on the parties.

The Second Appeal is disposed of in aforesaid terms. Decree be drawn accordingly. Similarly the Review application and Civil application are also disposed of.

JUDGE