

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

Second Appeal No. 0386 of 2014

District : Parbhani

Dnyanoba s/o. Shankar Somwanshi,
Age : 64 years,
Occupation : Agriculture,
R/o. Bothi, Taluka Gangakhed,
District Parbhani.

.. Appellant
(Original
defendant)

versus

1. Smt. Ujjawala w/o. Uttam
Somwanshi,
Age : 44 years,
Occupation : Agriculture,
R/o. Bothi,
Taluka Gangakhed,
District Parbhani.

At present : At Post Ahmadpur,
Taluka Ahmadpur,
District Latur.

2. Tulshiram s/o. Shankar
Somwanshi,
Age : 59 years,
Occupation : Agriculture,
R/o. Bothi,
Taluka Gangakhed,
District Parbhani.

.. Respondents
(No.01 -
Original
plaintiff
&
Nos.02 & 03
- Original
defendants)

3. Chandrabhagabai w/o. Shankar
Somwanshi
(Died through L.R.),

A. Kesubai @ Laxmibai
w/o. Rajaram Raut,
Age : 54 years,
Occupation : Agriculture,
R/o. Bothi,
Taluka Gangakhed,
District Parbhani.

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Mr. Santosh G. Chapalgaonkar, Advocate, for the appellant.

Mr. Mahesh P. Kale, Advocate, for respondents no.01 and 02.

Respondent no.03A served.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 31ST JANUARY 2019

ORAL ORDER :

01. All the parties to the appeal are before this Court. They have arrived at compromise. The terms of said compromise are got verified from learned Registrar [Judicial]. Perused his report. The said compromise terms are marked as Exhibit "X" for identification. Parties have reiterated the terms of compromise before learned Registrar [Judicial] and, therefore, the said compromise terms are read and recorded.

02. Present respondent no.01 was the original plaintiff, who had filed suit for partition and separate possession. It was decreed. Thereafter, the original defendant no.01 challenged the said judgment and decree in Regular Civil Appeal No. 17 of 2010 before learned District Judge-1, Gangakhed, District Parbhani. The said appeal came to be partly

allowed and the decree in Regular Civil Suit No. 342 of 1999 came to be modified on 10-10-2013. The said judgment and decree was further challenged in this second appeal by the original defendant no.01.

03. When the parties have arrived at compromise, under such circumstance, the judgment and decree passed by both the Courts below, are set aside. The suit is decreed in terms of compromise *Purshis* Exhibit "X". Copy of the decree that would be prepared in this appeal be sent to the Sub-Registrar, Gangakhed, for necessary action, if any, in view of Section 89A of the Registration (Maharashtra Amendment) Act, 2010. Second appeal is accordingly disposed of. Decree be drawn accordingly.

(Smt. Vibha Kankanwadi)
JUDGE

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