

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

925 SECOND APPEAL NO.216 OF 1993
WITH
CA/923/2015 IN SA/216/1993
WITH
RA/13/2015 IN CA/1008/2000 IN SA/216/1993

YAKINALI JAN MOHAMMAD (L.RS.) HABIB & OTHERS
VERSUS
BEBIBEGUM AHMAD ALI & OTHERS.

...

Mr. A.A. Shelke, Advocate for the appellant Nos.1C and 1D
Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI,J.

DATE : 14th FEBRUARY, 2019

ORAL ORDER :

1 Learned Advocate appearing for the appellants submits that the appellants do not wish to proceed against respondent Nos.3 to 6. Hence, the appeal stands disposed of against them. Appeal was already dismissed as against respondent No.2 by the order passed by learned Registrar dated 13.03.1996. That means, the appeal would be pending against only respondent No.1.

2 The appellants and respondents had arrived at a compromise.

The compromise terms have been produced on record. Learned Registrar (Judicial) was directed to verify the terms of compromise and submit report. He has submitted the report stating that all the appellants as well as the respondents were not present before him. This appears to be in response to the absence of respondent Nos.2 to 6 and therefore, as per his report he has not verified those terms. Now, as regards respondent No.1 is concerned, she was present before the Registrar (Judicial). Now, as per the terms of compromise all of them i.e. original plaintiff Nos.1 to 6 and respondent No.1 have decided to partition the lands equally amongst them. Learned Advocate for respondent No.1 is present.

3 Perusal of the record shows that original appellant Yakin Ali s/o Jan Mohammad was the plaintiff, who had filed the suit for declaration and injunction. The said suit was decreed by Civil Judge Junior Division, Gevrai on 28.11.1986. Thereafter, present respondent No.1 challenged the said decree, who was the sole defendant in R.C.A. No.27/1987 before learned Additional District Judge, Beed. Said appeal came to be allowed on 07.04.1993. The Judgment and Decree passed by the Trial Court was set aside and thereafter it appears that the present Second Appeal was filed, in which now, the parties have arrived at compromise. The said terms of compromise are taken on record and

marked Exh.'X'. Hence, following order.

ORDER

1 The Second Appeal is disposed of in terms of compromise
terms Exh.'X'.

2 The Judgment and Decree passed in R.C.A. No.27/1987
dated 07.04.1993 as well as the Judgment and Decree passed in R.C.S.
No.27/1983 dated 28.11.1986 are hereby set aside.

3 The suit stands disposed of in terms of compromise Exh.'X'.

4 Decree be drawn accordingly.

5 Parties to bear their own costs of the proceedings.

6 Pending Civil Application and Review Application etc. stand
disposed of.

(Smt. Vibha Kankanwadi, J.)

agd