

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 303 OF 2000

Ratilal Waman Naik (Died through LRs) & ...Appellants
Ors.

Versus

Ramdas Waman Naik (Died through LRs) & ...Respondents
Ors.

.....

Mr. P. M. Shah, Advocate for Appellants.

Mr. A. B. Kale, Advocate for Appellants No. 1A to 1E, 4A to 4E, 5A to 5E.

Mr. V. S. Deshmukh, Advocate for Respondent No. 1B, 1E to 1G, 1C/2.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 25-02-2019.

ORAL ORDER :

01. Present appellants are the original defendants. Present respondents No. 1 and 2 are the original plaintiffs. Original plaintiffs had filed Special Civil Suit No. 74 of 1975 before Joint Civil Judge Senior Division, Jalgaon for separate possession of suit field bearing Survey No. 532 admeasuring 1 acre and 26.5 gunthas situated at village Mehrun. The said suit was dismissed by Judgment and decree dated 30.4.1979. The said Judgment and decree was challenged before District Court, Jalgaon

in R. C. A. No. 415 of 1982. It was heard by third Additional District Judge, Jalgaon. It came to be partly allowed. The Judgment and decree passed by the Trial Court was set aside. Original plaintiff and after her, her legal representatives was declared as owner on the basis of will. Defendants No. 1 and 2 were directed to hand over the possession of the property to the said legal representatives. Thereafter, the original defendants No. 1 and 2 as well as other defendants challenged the said decree before this Court. The appeal was admitted.

02. During pendency of the second appeal the parties have arrived at compromise. The terms of compromise have been produced. They have been got duly verified by learned Registrar (Judicial) on 11.2.2019 by submitting report. Under such circumstance, the compromise terms and conditions are read and recorded. The parties have agreed to those terms. Under such circumstance, the second appeal is disposed of in terms of said compromise decree, which is now marked as Exh. "X". The Judgment and decree passed by both the Courts below are hereby set aside. The suit stands disposed of in terms of those terms and conditions of the said compromise Exh. "X". Decree be drawn accordingly. Copy of the decree be sent to the Sub-Registrar, Jalgaon in view of Section 89A of the Indian

Registration Act for necessary action, if any. Pending civil application is also disposed of accordingly.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-