

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4137 OF 1991

(Laxmibai Harakchand Raka, died through LR's and others Vs.
Champalal Faujmal Fulpagar and others)

WITH

CONTEMPT PETITION NO.347 OF 2017

Mr.R.L.Kute with Mr.R.N.Dhorde, learned Senior Advocate for the
petitioners.

Mrs.C.S.Deshmukh, learned Advocate for respondent Nos. 1 to 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/01/2019

PER COURT :

1. The following order was passed today on civil Application nos.
1983/2019 and 1984/2019 :-

*“1. Both these applications are for bringing the L.Rs. of deceased
respondent Nos. 1, 1B, 1C and add applicant No.1F as petitioner No.1-
A(F) and for bringing the L.Rs. of respondent No.2 on record, respectively.*

2. *The learned Advocates for the respective sides submit that since the
litigating sides have settled their dispute, both these Civil Applications can
be allowed by consent.*

3. *In view of the above, both these Civil Applications are allowed by consent. Addition of parties shall be carried out forthwith.*

4. *The terms of compromise prepared by these litigating sides shall be presented before the learned Registrar (Judicial) for verification.”*

2. It is informed that pursuant to the above order the parties had been before the learned Registrar (Judicial) for verification. The learned Registrar has placed before this Court his report dated 30/01/2019 (3 pages) which is marked as "X-1" for identification.

3. Learned Advocates for the respective sides jointly submit that the name of respondent No.2 “Maniklal” should actually be “Manikchand”. Learned Advocates confirm and admit that the name should be "Manikchand" and it is a typographical error, that it has been typed as Maniklal in the cause title. Leave to correct the name Maniklal to be replaced by Manikchand, is granted. Correction be carried out forthwith.

4. The consent terms between the parties which have been verified by the learned Registrar (Judicial) today, as per his report

marked as X-1, are placed on record (23 pages) which are collectively marked as "X-2" for identification.

5. There are 6 documents which are the power of attorney documents, that have been placed on record. These 6 power of attorney documents alongwith their entire enclosures are marked as "X-3", collectively, for identification.

6. Learned Advocates for the respective sides submit that this petition can be disposed of in terms of the settlement marked as "X-2". In view of the above, this writ petition is disposed of in terms of compromise "X-2", and by consent of the parties, the impugned order dated 29/05/1985 passed by the Tahsildar and the order dated 29/07/1991 passed by the M.R.T. Pune, stand quashed and set aside. These litigating sides would now be governed by the terms of compromise set out in the document "X-2". Rule is discharged.

7. Learned Advocate for the respondents submits that Contempt Petition No.347/2017 would not survive and needs to be disposed of. Consequentially, the said contempt petition stands disposed of.

8. The report of the learned Registrar marked as X-1, the terms of

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the compromise marked as X-2 and the 6 power of attorney documents collectively marked as X-3, shall form a part of this order.

(Ravindra V.Ghuge, J.)