

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

951 SECOND APPEAL NO.177 OF 2001

Nilkanth Shripatrao Patil. **.. APPELLANT**

VERSUS

1] Ram @ Sampatrao s/o.Khanderao
Patil.

2] Raosaheb Khanderao Patil
Died L.Rs.

2/1.Surekhabai Raosaheb Patil.

2/2.Meera Raosaheb Patil.

2/3.Goroba Raosaheb Patil.

3] Nagabai w/o. Khanderao Patil
[Deleted as per Court's Order
dtd.29.04.2015]

4] Kishanrao s/o. not known Rajput
[Appeal abated as against R.No.4
vide Registrar's Order dtd.
13.11.2013]

5] Shivaji s/o. not known Pathrut

.. RESPONDENTS

...

Mr.V.D.Gunale, Advocate for the appellant.

Mr.Sujit Patil, Advocate holding for
Mr.V.D.Salunke, Advocate for respondent nos.1
and 5.

Mr.H.V.Patil, Advocate for respondent nos.2/1
to 2/3.

...

CORAM : V.L.ACHLIYA,J.
DATE : 07.08.2019

PER COURT:

1] Appellant, respondent no.1 and respondent nos. 2/1 to 2/3 i.e. the legal heirs of deceased respondent no.2 are present with their respective advocates. Parties are identified by the respective advocates.

2] Learned counsel for the parties submit that respondent no.3-Nagabai Khanderao Patil died leaving behind the respondent no.1 and deceased respondent no.2 as her legal heirs. It is submitted that respondent nos.4 and 5 were made formal party to the proceedings and no relief has been claimed against them in the suit as well as in appeal.

3] The consent terms duly verified before the Registrar [Judicial] are taken on record and marked as 'X' for identification.

4] Parties present admit their respective signatures / thumb impressions endorsed on the consent terms. The consent terms are also signed by the Advocates representing parties.

5] Parties present state that they have voluntarily entered in compromise and they are not pressurized to enter into the settlement. The compromise between the parties appears to be voluntary. They appears to have settled the matter amicably. The parties claims to be related with each other. I am, therefore, inclined to allow the parties to compromise the matter. Accordingly, the following order is passed:

ORDER

- i] Appeal is disposed of in terms of compromise terms filed and marked as 'X' for identification to the extent of appellant and respondent nos.1 and 2/1 to 2/3.

ii] The name of respondent no.3 already deleted and the appeal has been abated against respondent no.4.

iii] Appeal is dismissed as against respondent no.5.

iv] Decree be drawn up accordingly.

[V.L.ACHLIYA]
JUDGE

DDC