

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

901 SECOND APPEAL NO.393 OF 2004

CHHABUBAI BABURAO KATORE
VERSUS
SHANKAR NARAYAN KATORE

Mr. Amol B. Chalak h/f Mr. Girish Nagori, Advocate for
the appellant

Mr. N. C. Garud, Advocate for the respondent

CORAM : S. M. GAVHANE, J.

DATED : 12.12.2019

PER COURT :-

1. The second appeal challenging the judgment and order dated 10/03/2004 in Regular Civil Appeal No. 35 of 1999 decreeing the R.C.S. No. 67 of 1995 was admitted by this Court on 25/07/2005 and stay was granted to the execution of decree on certain conditions.

2. Today the appellants-original defendants alongwith their learned counsel and the respondents-original plaintiffs alongwith their learned counsel are present. Parties have filed compromise pursis with map settling the dispute which is marked "X" for the purpose of identification. Said compromise pursis alongwith map and the parties have been verified by the Section Officer of this Court. The parties have been identified

by their respective counsels. It appears that compromise arrived at by the parties is without any coercion and influence. Therefore, the Second Appeal is disposed of in terms of compromise pursis "X" and accordingly R.C.S. No. 67 of 1995 is decreed in terms of compromise pursis "X". As per the compromise pursis "X" clause (J) parties have agreed that the amount deposited by the appellants as per the order dated 25/07/2005 of this Court would be refunded to the appellants. Decree be drawn accordingly in terms of compromise pursis (X).

[S. M. GAVHANE, J.]