

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

SECOND APPEAL NO.245 OF 2008
WITH
CIVIL APPLICATION NO.3914 OF 2008
IN
SECOND APPEAL NO.245 OF 2008

...
MOHD. WAZIRUDDIN S/O. MOHD MUNTAJIBUDDIN KAZI
DECEASED L.RS.
1/A. KAISAR BEGUM W/O. MOHD WAZIRUDDIN &
OTHERS
VERSUS
MOHD NAIMUDDIN S/O. MOHD MUZAFFARUDDIN &
OTHERS

...
Mr.A.P.Bhandari, Advocate for the appellants.
Mrs.A.N.Ansari, Advocate for respondent nos.
1, 2A to 2C and 4.

...

CORAM : V.L.ACHLIYA, J.
DATE : 25.07.2019

PER COURT:

1] Not on board, taken on board in
order to facilitate the parties to record the
compromise.

2] The appellant nos. 1/B, 1/C and 1/D
are present along with their Advocate Shri

A.P.Bhandari. Respondent no.4, Gauziya Tasneem w/o. Abdul Samad, is present along with her Advocate Mrs.A.N.Ansari. Compromise *pursis* filed is taken on record and marked as 'X' for identification.

3] Learned counsel for the parties submit that the appellant no.1/A – Kaisar Begum w/o. Mohd. Waziruddin is not alive and the appellant nos. 1/B to 1/D are the legal heirs of the deceased Kaisar Begum i.e. appellant no.1/A. It is further submitted that the dispute in respect of the suit property with respondent nos.1 to 3 already settled. The Appeal has been disposed of to the extent of appellants and respondent nos. 1 to 3 in terms of compromise terms filed between them. The appeal remained pending to the extent of respondent no.4.

4] Now the appellants and respondent no.4 have decided to settle the matter and

accordingly the terms of compromise has been filed.

5] Parties present, admit their respective signatures on the terms of compromise and further admit the contents of terms of compromise recorded truly and correctly as per settlement reached between them. The terms of compromise filed on record also signed by advocates representing the parties. The parties are identified by their respective advocates.

6] In view of the settlement between appellants and respondent no.4, the respondent no.4 has given up her right, interest and claim in the suit property by accepting the amount of Rs.25 lacs. The settlement reached between the parties appears to be genuine and they have entered into the settlement voluntarily.

7] In view of compromise between

parties the Second Appeal No.245 of 2008 is disposed of in terms of compromise pursis which is marked as 'X' for identification.

8] Decree be drawn accordingly.

9] In view of disposal of Appeal the Civil Application No.3914 of 2008 filed in appeal is disposed of in terms of order in Appeal.

[V.L.ACHLIYA]
JUDGE

DDC