

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**SECOND APPEAL NO. 776 OF 2017
WITH CA 14966/2017**

Maruti Vitthal Kale (Died through LRs) ...Appellants

Versus

Sofiya Begum Gulam Rabbani (Died through ...Respondents
LRs) & Ors.

.....

Mr. V. R. Dhorde, Advocate for Appellants.

Ms. A. N. Ansari, Advocate for Respondent No. 2A to 2C,
3, 4A to 4E, 2D-1 to 2D-3.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 25-02-2019.

ORAL ORDER :

01. Both the Advocates agree to delete para No. XV of the terms of compromise. Allowed to do that immediately.

02. Present appeal was filed by the original plaintiff. During pendency of the appeal, he expired and therefore, his legal representatives have been brought on record. The suit was filed for declaration that the decision in R. C. S. No. 120 of 1981 is not binding on him and for perpetual injunction against the defendants from

obstructing the possession of the plaintiff over the suit land gut No. 113 admeasuring 8 acres 30 gunthas situated in village Surala, Tq. Vaijapur, Dist. Aurangabad. The said suit was dismissed on 31.10.1994 by learned Civil Judge Junior Division, Vaijapur. The original plaintiff challenged the said Judgment and decree in R. C. A. No. 183 of 2012. The appeal was heard by learned District Judge-1, Vaijapur and the same has been dismissed on 29.3.2017. The said Judgment and decree passed by the First Appellate Court was challenged in this second appeal. Pending admission of the appeal parties have settled their dispute before the learned Mediator. The terms of compromise have been verified by learned Registrar (Judicial) on 11.2.2019 and report of the same has been submitted. The consent terms have been signed by all the parties to the proceeding including the legal representatives of the deceased party. When they have arrived at the compromise, the said consent terms have been read and recorded and marked as Exh. "X". In view of the said compromise, the Judgment and decree passed by both the Courts below in this case is hereby set aside. The suit stands decreed in terms of the compromise Exh. "X". Decree be drawn accordingly. Copy of the decree be sent to Sub-Registrar, Vaijapur for further action, if

any, in view of Section 89A of the Indian Registration Act.

03. Pending civil application stands disposed of.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-