

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 477 OF 2014
WITH CONTEMPT PETITION NO. 704 OF 2018

Laxman Mansing Patil & Anr.

...Appellants

Versus

Sau. Sunanda Trambaksing Rajput

...Respondent

.....

Ms. K. B. Deshmukh, Advocate holding for Mr. P. R. Patil,
Advocate for Appellants.

Mr. S. P. Brahme, Advocate for Respondent.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 25-02-2019.

ORAL ORDER :

01. Present appellants are the original defendants and respondent is the original plaintiff. Plaintiff had filed R. C. S. No. 67 of 2002 before learned Civil Judge, Junior Division, Chalisgaon. The said suit came to be dismissed on 28.2.2006. The said Judgment and decree was challenged before District Judge-3, Jalgaon in R. C. A. No. 108 of 2007 by the original plaintiff. The said appeal came to be partly allowed by setting aside the Judgment and decree passed by the Trial Court. It was declared that the adoption deed executed by one Mansing in favour of defendant No. 1 is null and void. Plaintiff was declared owner of the half share in land gut no. 128/2 situated at village Tirpole, Tq. Chalisgaon, Dist. Jalgaon

and the defendants No. 1 and 2 were directed to hand over the vacant and peaceful possession of the land gut No. 128/1 and house No. 144 situated in the same village to the plaintiff within two months. Thereafter, the present appellants-original defendants challenged the original Judgment and decree in this second appeal. Pending the admission of the appeal, parties have arrived at compromise. Those terms and conditions of settlement have been verified by learned Registrar (Judicial) on 12.2.2019. They are marked as Exh. "X". Taking into consideration the fact that both the parties have arrived at the compromise, the second appeal is disposed of in terms of said compromise. The Judgment and decree passed by both the Courts below are hereby set aside and the suit stands disposed of in terms of compromise Exh. "X". Decree be drawn accordingly. Copy of the decree be sent to Sub-Registrar, Jalgaon in view of Section 89A of the Indian Registration Act for action to be taken, if any.

02. In view of the fact that the second appeal is compromised, the contempt petition stands disposed of.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-