

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

WRIT PETITION NO.13976 OF 2019

SARSABAI ASARAM SHELKE AND OTHERS THROUGH
GPA UDDHAV BHAVRAO KHADKE
VERSUS
SAHADEO NAMDEO KHADKE AND OTHERS

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Advocate for the Petitioners : Shri P. M. Nagargoje
Advocate for Respondent No. 1 : Shri V. N. Shelke

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th NOVEMBER, 2019.

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PER COURT :

1. The petitioners / original plaintiffs are aggrieved by the order dated 08/08/2019, by which, the Trial Court has refused to recognize the compromise of the suit in which the ancestral properties are to be partitioned. The Trial Court has concluded that the suit for partition would place all the litigating sides at par and each of them would be treated as a plaintiff. All the litigating sides have not agreed to the compromise.

2. The Honourable Supreme Court has laid down the law in ***Madhav Prasad Aggarwal and another***

Vs. Axis Bank Ltd., decided on 01/07/2019 that a plaint can be rejected wholly or not. As such, the Trial Court felt that a suit could not be disposed off partially.

3. The learned Advocate for the petitioners submits that the petition may be allowed to be withdrawn, but the suit may be expedited considering the advanced age of a majority of the litigants.

4. In view of the above, this petition is disposed off as withdrawn.

5. The Trial Court shall decide Regular Civil Suit No. 886/2016 as expeditiously as possible and preferably on or before 31/08/2020. The litigating sides shall extend cooperation and shall refrain from seeking unnecessary adjournments in the matter.

(RAVINDRA V. GHUGE, J.)

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