

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 SECOND APPEAL NO.650 OF 2015
WITH
CA/14888/2015 IN SA/650/2015

Sahebrao Pandurang Aadhav
Deceased Through : His Legal Heirs -

- 1) Smt. Janabai Sahebrao Aadhav,
Age 66 years, occupation Household,
- 2) Shri. Ashok Sahebrao Aadhav,
Age 47 years, occupation Trader,
- 3) Shri Manohar Sahebrao Aadhav,
Age 37 years, occupation Trader,
- 4) Shri. Ramesh Sahebrao Aadhav,
Age 34 years, occupation Trader,
- 5) Shri. Kiran Sahebrao Aadhav,
Age 34 years, occupation Trader,

All R/o At Old Malegaon Road,
Chalisgaon Tq. Chalisgaon
District Jalgaon.

...Appellants.

VERSUS

- 1) Sunita Kailas Thethe,
Age 28 years, Occupation Household,
- 2) Kavita d/o Nivrutti Shinde,
Age 27 years, Occupation Household,
- 3) Nalubai d/o Nivrutti Shinde,
Age 25 years, Occupation Household,

All R/o At Old Malegaon Road,
Chalisgaon Tq. Chalisgaon
District Jalgaon.

4) Shakuntalabai Jagrao Kadam,
Deceased, Through : Her LRS -
(Amendment made as per order
Below Exh.24, dated 10-08-2011)

4-A) Shri. Kumar Bhujangrao Kadam,
Age 62 years, occupation Service,
R/o Near Jai Hind College,
Jai Hind Colony, Dhule.

4-B) Shri. Kundan Bhujangrao Kadam,
Age 57 years, occupation Service,
R/o At Post Mohali Tq.Dist.Dhule.

4-C) Shri. Jagdish Bhujangrao Kadam,
Age 51 years, Occuaption...

4-D) Sau. Lata Pandurang Dethe,
Age 60 years, Occupation Household,

Both 4-C) and 4-D) R/o Near Sonya
Maruti Mandir, Near Railway
Station, Dhule Dist. Dhule.

4-E) Sau. Alka Dilip Dethe,
Age 61 years, Occupation Household,
R/o Near Khandesh Mill Gate,
Jodhe Housing Society,
Chalisgaon Tq. Chalisgaon
Dist. Jalgaon.

5) Sau. Kamalbai w/o Chandrakant
Aadhav, Age 51 years, occupation
Household, R/o Old Malegaon Road,
Chalisgaon Tq. Chalisgaon Dist.
Jalgaon.

**(Resp.No.5 deleted as per Hon'ble
Court's Order dated 11-03-2016)**

...Respondents

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Advocate for Appellants : Mr. Sant Kishor C.
Advocate for Respondents No.2 and 3 : Mr. A. M. Gaikwad.
Advocate for Respondents No.4-A to 4-C and 4-E: Mr. S. B.
Narwade holding for Mr. M. R. Wagh
Advocate for respondent No. 4-D : Mr. S. G. Kawade.
Respondent No.5 -deleted.

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 04-01-2019.

ORAL ORDER :

1. The Second Appeal was filed challenging the Judgment and decree dated 12-08-2015 passed by learned Adhoc District Judge -1, Jalgaon in Regular Civil Appeal No.16 of 2009, by the original defendants No.7-A to 7-E (heirs of original defendant No.7). The said appeal before the learned District Judge was in response to the challenge to the Judgment and decree passed by learned Joint Civil Judge Junior Division, Chalisgaon in Regular Civil Suit No. 126 of 1988 dated 19-12-2008. The suit for redemption of mortgage and recovery of possession was partly decreed and then in appeal, the appeal as well as the cross-objections were dismissed. The second appeal came to be admitted by order dated 23-11-2015.
2. Now the parties have arrived at compromise. The terms of compromise/ compromise deed has been produced. It has been verified by learned Registrar (Judicial) on 07-09-2018. The said compromise is marked as Exhibit 'X'. When parties have arrived at compromise, both the judgment and decree below are set aside. The suit is therefore hereby disposed of in terms of the compromise deed Exhibit 'X'. Decree be drawn accordingly. Copy of the decree be sent to the Sub-Registrar of the concerned region in view of Section 89-A of Registration Act (Maharashtra Amendment).
3. Pending civil applications, if any, stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.