

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15145 OF 2018
(IN SECOND APPEAL NO. 501 OF 2015)

Bhanudas Krushna Nagargoje & Ors. ...Applicants

Versus

Hirabai Sahebrao Late & Ors. ...Respondents

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Mr. P. P. Mandlik, Advocate for Applicants.

Mr. V. S. Tanwade, Advocate for Respondent No. 1.

Mr. Amol Gandhi, Advocate for LR's of Respondent No. 2.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 03-01-2019.

ORAL ORDER :

01. Present appeal has been filed by original defendants challenging the Judgment and decree passed in R. C. A. No. 47 of 2008 by learned District Judge-4, Osmanabad on 18.6.2015. Original plaintiff had filed suit for partition and separate possession bearing No. R. C. S. No. 204 of 1992. It came to be decreed by learned Joint Civil Judge, Junior Division, Kallam, Dist. Osmanabad on 27.6.2006. The learned District Judge had dismissed the appeal which was preferred by the defendants.

02. During pendency of the second appeal the parties

have arrived at compromise. The terms of compromise have been filed which are now marked as Exh. "X". The parties were present before this Court. The parties have been duly identified by their respective Counsels. The parties agree to the terms of the compromise arrived at by them on 17.12.2018. Under such circumstance, the second appeal deserves to be disposed of in terms of the said compromise terms Exh. "X". Further, directions are now required to be given to send the copy of the decree to the Sub-Registrar of the concerned area where the property is situated in view of Section 89-A of the Registration Act (Maharashtra Amendment).

03. Hence, following order;

ORDER

(i) Second appeal is disposed of in terms of compromise terms Exh. "X". The Judgment and decree passed in R. C. S. No. 204 of 1992 dated 27.6.2006 passed by Joint Civil Judge, Junior Division, Kallam, Dist. Osmanabad and Judgment and decree passed in R. C. A. No. 47 of 2008 passed by District Judge-4, Osmanabad passed on 18.6.2015 is hereby set aside.

(ii)The suit is disposed of in terms of compromise Exh. "X".

(iii)Decree be drawn accordingly.

(iv)Copy of the decree be sent to the Sub-Registrar of the concerned department for necessary action, if any.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-