

Vina Khadpe

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 2815 OF 2006
WITH
CROSS OBJECTION (ST.) NO.4343 OF 2018
IN
FIRST APPEAL NO. 2815 OF 2006**

The State of Maharashtra Appellant

Versus

Shri Shaniwar Krishna Patil (dead)
through Lrs. Bama Shaniwar Patil
through Lrs. Mahadeo Shaniwar Patil (dead)
through Lrs.1A-i) Appa Mahadeo Patil & ors. Respondents

**WITH
CIVIL APPLICATION NO.3095 OF 2018
IN
FIRST APPEAL NO. 2815 OF 2006**

Aashirwad Appa Patil ... Applicant

In the matter between

The State of Maharashtra Appellant

Versus

Shri Shaniwar Krishna Patil (dead)
through Lrs. Bama Shaniwar Patil
through Lrs. Mahadeo Shaniwar Patil (dead)
through Lrs.1A-i) Appa Mahadeo Patil (dead)
through Lrs. 1A-ia) Shantabai Appa Patil & ors. Respondents

WITH
CIVIL APPLICATION NO.410 OF 2018
IN
CROSS OBJECTION (ST.) NO.4343 OF 2018
IN
FIRST APPEAL NO. 2815 OF 2006

Aashirwad Appa Patil ... Applicant

In the matter between

The State of Maharashtra Appellant

Versus

Shri Shaniwar Krishna Patil (dead)
through Lrs. Bama Shaniwar Patil
through Lrs. Mahadeo Shaniwar Patil (dead)
through Lrs.1A-i) Appa Mahadeo Patil (dead)
through Lrs. 1A-ia) Shantabai Appa Patil & ors. Respondents

Appearances :-

Mr.A.R.Patil, Addl. Govt. Pleader for the appellant/State.
Ms.Sanchita S. Thakur i/b. Mrs.Seema Sarnaik for the
respondents.

CORAM : Shri R. Y. GANOO, J. (Retd.)

**Shri K. K. TRIVEDI (Addl. Registrar,
O.S./Addl. Prothonotary & Senior Master) &
Shri. P.C. KALE (Deputy Registrar,
Legal and Research Dept.)**

DATE : 17th MARCH, 2019.

P.C. :-

1] Civil Application No.410 of 2018 is not on board. Taken on board.

2] On 14th July, 2018, this Lok Adalat has passed an order thereby accepting the consent terms and the said order is clear in as much as all respondents have signed the consent terms and their signatures are identified by the learned advocate Ms.Thakur.

3] The matter was adjourned after passing an order on the basis of the statement made by the learned Addl. Govt. Pleader who seeks time to make necessary verification. In our view, once execution of the consent terms is duly admitted by the respective parties and today the learned advocate for the respondents is present and she confirms the desire of the parties to put an end to the matter in view of the consent terms which were already filed on 14th July 2018 before this Lok Adalat. In our view, in view of the fact, the consent terms signed by all the parties are duly taken on record, there is no need to have further verification in respect of the parties and the order can be passed. The consent terms are taken on record and marked as 'x' for identification.

4] The respondents had filed cross objection claiming that the respondents are entitled to the rate of Rs.15/- per square meter and as the present consent terms mentions the rate as Rs.15/- per square

meter, the cross objection can be disposed of in view of decree in terms of consent terms.

5] In view of the above, the following order;

:: ORDER ::

- i) There shall be decree in terms of consent terms which are taken on record on 14th July, 2018. No order to costs. Refund of fees, if any, be granted to the appellant in accordance with Rules.
- ii) Cross Objection (st.) 4343 of 2018 stands disposed of in view of the decree in terms of consent terms.
- iii) So far as Civil Application nos.3095 of 2018 and 410 of 2018 are concerned, the learned advocate for the respondents undertakes to carry out amendment within 10 days from today in view of the decree in terms of consent terms. Permission granted. Both civil applications stand disposed of accordingly once the amendment is carried out.
- iv) The appeal stands disposed of.

P. C. Kale	K. K. Trivedi	R. Y. Ganoo,J.(Retd.)
[Deputy Registrar]	[Addl. Registrar]	[Head of the Panel]