

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 6530 OF 2007
WITH CA/9294/2008 IN WP/6530/2007
SMT. YAMUNABAI W/O MADHAVRAO JADHAV AND ANOTHER
VERSUS
SYED HASAN S/O IMAM SAHEB

.....
Advocate for Respondent-sole : Mr. M. B. Sandanshiv h/f
Mr. Y. N. More
.....

CORAM : V. K. JADHAV, J.
DATED : 14th FEBRUARY, 2020

PER COURT:-

1. None present for the petitioner, however, learned counsel for the respondent present.
2. In continuation of the order dated 13.02.2020 passed by this Court, the District Court, Nanded, has communicated in writing that Regular Darkhast No. 11 of 2004 came to be disposed off.
3. In terms of the money decree passed by the trial court in Regular Civil Suit No. 164 of 2000, the respondent-decree holder has filed Regular Darkhast No. 11 of 2004 against the original defendant Madhavrao (Judgment Debtor), who died during pendency of the said Regular Darkhast. Consequently, his legal

heirs (petitioners herein) were brought on record. The petitioners herein have filed objection to the extent that the decree passed in Regular Civil Suit No. 164 of 2000 is not executable against them. By the impugned order dated 26.04.2007, learned Judge of the executing court dismissed the objection petition. By order dated 01.02.2008, while granting Rule, this Court has granted ad-interim relief in terms of prayer clause "D" and as such, the execution and operation of the judgment and order passed has been stayed.

4. However, as per the communication received from the District Judge, Nanded, it appears that the parties have arrived at a compromise before the Lok Adalat and accordingly the Lok Adalat has passed the following order:

“ The decree holder and judgment debtors are present before the Lok Adalat. Learned counsel Shri G. K. Pandit for the decree holder and learned advocate Shri S. N. Savale for judgment debtor appeared. The dispute for recovery of an amount of Rs.1,61,496-25 paise has been amicably settled between the parties to the amount of Rs.1,00,000/-. Accordingly judgment debtors paid entire amount of Rs.1,00,000/- to the decree holder in cash and executed payment receipt thereof. The decree fully and finally satisfied between

parties before Lok Adalat. Hence execution petition is hereby disposed off. No order as to costs.”

5. In view of disposal of Regular Darkhast No. 11 of 2004 fully and finally in terms of the final settlement between the parties, this Writ Petition has become infructuous and disposed off accordingly. Rule discharged. Civil Application No. 9294 of 2008 also stands disposed off.

(V. K. JADHAV, J.)

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