

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

**CIVIL APPLICATION NO.8185 OF 2020  
IN/WITH SECOND APPEAL NO.360 OF 2000**

Bhausahab S/o Pundlik Kale  
(deceased) Through his L.Rs.  
Rangnath S/o Bhausahab Kale  
and others. ..APPELLANTS

-VERSUS-

Ramrao Changdeo Tambe  
and others. ..RESPONDENTS

...  
Mrs.Charuta S. Deshmukh & Ms.Shubhada Kunjar,  
Advocates for applicants/appellants.  
Mr.Parikshit P. Dawalkar, Advocate for  
respondents.

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**CORAM: V.L. ACHLIYA,J.**  
**DATE : 10.12.2020**

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**ORAL ORDER:**

1. The appellants and respondents [except respondent No. 1] present along with their respective Advocates to record the compromise. The terms of compromise are taken on record and collectively marked as

'X' for identification. The report of Registrar [Judicial] submitted after recording the verification of terms of compromise and identification of parties is taken on record and marked as 'Y' for identification.

2. Mr. P.P.Dawalkar, learned counsel submits that he has filed Vakil Patra for respondent Nos. 1 to 4 after securing no objection from Mr. P.F.Totla, Advocate.

3. Learned counsel for parties submit that the respondent No. 1 has signed the terms of compromise. He was present outside the Court to record compromise. However, he was taken to hospital as suddenly he felt uncomfortable and developed problem of breathing. Learned counsel submit that the grand-son of respondent No. 1 is present in the Court. Shri. Mukesh Rajendra Damle, who claims to be

grand-son of respondent No. 1 present in the Court confirm that respondent No. 1 was present for recording the compromise and he has signed the terms of compromise. He submits that as respondent No. 1 suddenly felt uncomfortable and taken to hospital. He confirmed the signature on terms of compromise as that of respondent no. 1 and he has signed the terms of compromise voluntarily. Learned counsel for respondent No. 1 also identify the signature of respondent No. 1. He submit that terms of compromise bears signature of respondent No. 1 and same was recorded in his presence and the respondent No. 1 has filed affidavit supporting the terms of compromise.

4. The parties present admit their respective signatures on the terms of compromise and further state that they have voluntarily signed the terms of compromise.

On inter-action with the parties, it appears that the parties have voluntarily entered into settlement. The compromise between the parties appears to be in the interest of parties. It will put end to the long standing litigation between the parties.

5. In context with the observations made by the Registrar [Judicial] in his report as to discrepancy as to area mentioned in suit as suit property and area shown in compromise pursis, learned counsel submits that originally the area of suit land was 28 Acres 10 R. During the pendency of Suit, the land admeasuring 1 H. 90 R. was acquired for Nandur – Madhameshwar Canal. Due to this reason in compromise pursis the area of land has been shown as 23 Acres 33 R. On instructions learned counsel submit that parties are ready to refer the decree for registration and payment of requisite

registration charges.

6. In view of above, I am inclined to allow the parties to record the compromise and pass the following order.

**ORDER**

[i] The Appeal is disposed of in terms of compromise pursis filed as 'X' for identification with no order as to costs.

[ii] In view of resolution of civil dispute between the parties, the parties are granted liberty to approach the appropriate authority for passing necessary orders in a proceeding registered u/s 145 of Cr.P.C.

[iii] Decree be send for registration under the provisions of the Indian Registration Act. The parties to Appeal shall pay the requisite stamp duty and registration charges as per law.

[iv] Decree be drawn in terms of compromise.

7. Civil Application, if any, pending in the proceeding then same shall be treated as disposed of in terms of order in Appeal.

**[V.L.ACHLIYA]**  
**JUDGE**

KNP