

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.668 OF 2019
WITH CA/15017/2019 IN SA/668/2019 WITH CA/193/2020 IN SA/
668/2019

SONAJI MHATARJI MATE AND OTHERS
VERSUS
KHANDU BALA MATE AND OTHERS

Mr.R.V. Gore, Advocate for the appellants.
Mrs.P.V. Langhe, Advocate for respondent Nos. 1 to 3.

CORAM : S.M.GAVHANE,J.
DATED : 08.01.2020

P.C. :-

. The appellants/applicants are original defendants and they have filed this appeal against judgment and order dated 31.07.2019 in Regular Civil Appeal No.168 of 2011, thereby dismissing their appeal against decree dated 02.04.2011, passed by the Civil Judge, Senior Division, Aurangabad in Special Civil Suit No.387 of 2009, partly decreeing said suit, declaring that the respondents/original plaintiffs are owners and in possession of the suit property, bearing Gat No.142 of village Chincholi, Tq. Phulambri, admeasuring 7 Acres 18

Gunthas.

2. By Civil Application No.193 of 2020 the appellants and respondents have settled the matter and requested to dispose of the appeal in terms of this compromise application. The appellants and respondents have been identified by their respective Counsels and the compromise is also verified by the learned Registrar (Judicial) of this Court. This compromise application is signed by all the parties and their respective Counsels.

3. Learned Counsels appearing for the parties have submitted that the plaintiffs had filed suit for declaration that they are owners and possessors of suit property Gat No.142 and decree was passed in their favour and the appellants are giving up their claim over the said land. They have stated that as per written statement filed by the appellants/defendants in suit, plaintiffs' ownership over the said land is not disputed. They have stated that for giving up their rights in the said land,

plaintiff No.1 and Sonaji Mate have given portion of land Gat No.259 to them by registered gift-deed and stamp duty is paid, as per Exh."B"(page 16). Learned counsel for the parties have stated that parties have confirmed contents of Civil Application for compromise willingly and without any coercion. Learned Counsels for the parties have further submitted that the appeal may be disposed of in terms of paragraph Nos.6,7 and 8 of Civil Application No.193 of 2020.

4. In view of above, as the parties to this application and the appeal have accepted terms of compromise, the compromise is read and recorded and Second Appeal No. 668 of 2019 is disposed of in terms of paragraph Nos.6,7 and 8 of Civil Application No. 193 of 2020. Decree be drawn accordingly and consequently the decree under appeal, thus, stands modified.

5. Civil Application No.193 of 2020 is accordingly allowed and disposed of.

6. In view of disposal of Second Appeal, Civil Application No.15017 of 2019 for stay is disposed of.

[S . M . GAVHANE , J .]