

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO.5067 OF 2021

HUSSAIN ASLAM PATHAN AND OTHERS
VERSUS
SATISH KASHMIRILAL AGARWAL AND OTHERS

.....
Advocate for Petitioners : Mrs. A.N. Ansari
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CORAM : V. K. JADHAV, J.
DATED : 22nd MARCH, 2021

PER COURT:-

1. Learned counsel for the petitioners submits that the petitioners are original defendants in R.C.S. No. 47 of 2020. The said suit was disposed of in term of the compromise arrived at between the parties. Learned counsel submits that the petitioners are not challenging the award passed by the Lok Adalat by any means, however, the petitioners are seeking modification/correction in the order to the extent of clause No.7 of the compromise. Learned counsel submits that so far as the said suit bearing R.C.S. No. 321 of 2019 as mentioned in clause No.7, the same should be 312 of 2019 and the parties to the said suit are also different.

2. Learned counsel for the petitioners submits that though the petitioners have filed an application before the trial court, however, the same is not happily worded and instead of seeking modification/correction in the award passed before the Lok Adalat, the prayer about issuance of injunction has been made. Consequently, the trial

court has rejected the said application on the ground that once the award is passed before the Lok Adalat in terms of settlement arrived at between the parties, it has become final and binding on the parties to the settlement.

3. Learned counsel for the petitioners submits that the petitioners may be granted liberty to file an application seeking modification in clause 7 of the compromise petition, as explained above.

4. In view of the above submission, there is no need to issue notices to other side since the trial court while deciding the application has also not issued notices to the other side.

5. This writ petition is thus disposed of with liberty to the petitioners to file an application for seeking modification/rectification/correction in clause 7 of the compromise petition, if so desire and upon filing such application, it is for the court below to consider the same on its own merits.

(V. K. JADHAV, J.)

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