

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 918 OF 2016
WITH
CIVIL APPLICATION NO.9271 OF 2021

MOTIRAM RAJARAM GANAR AND ORS

VERSUS

SAYED NASEER SAYED JAMEER AND ANR

Advocate for Applicants : Mr V.M. Mane
Advocate for Respondent Nos. 1 and 2 : Mr K.S. Chavan h/f Mr P.P. Deshmukh

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 23rd DECEMBER, 2021

PER COURT :

1. Heard Mr Mane, learned counsel for the appellants and Mr K.S. Chavan h/f Mr P.P. Deshmukh, learned counsel for respondent Nos. 1 and 2.
2. Mr V.M. Mane, learned counsel for the applicants/appellants submits that in view of the order passed by this Court dated 20th December, 2021, the terms of compromise were referred to the Registrar (Judicial) for verification. He submits that due to election in the village, the parties could not remain present before the Registrar (Judicial) and as such, the terms of compromise could not be verified. He further submits that today both the parties are present and terms of compromise may be sent to the Registrar (Judicial) for verification.
3. Having regard to the submissions of Mr learned counsel for the applicants/ appellants, the terms of compromise be sent to the Registrar (Judicial) for verification and report forthwith.

Later on :

4. Perused the report submitted by learned Registrar (Judicial) of this Court regarding verification of terms of compromise marked as 'X' for identification.

5. The parties have settled the dispute amicably and arrived at terms of compromise and marked as 'X' for identification. The Registrar (Judicial) of this Court has given report that compromise arrived at between the parties is without any fraud and influence. It seems to be *bona fide* compromise arrived at between the parties. The report is accepted.

6. It is opined by the Registrar (Judicial) that for the first time, a right is created in immovable property and as such, decree needs registration according to the Registration Act.

7. Having regard to the above scenario, the Second Appeal needs to be disposed of as under :

- (i) The Second Appeal stands disposed of in terms of compromise marked as 'X' for identification.
- (ii) The decree be drawn up in terms of compromise marked as 'X' for identification.
- (iii) No order as to costs.
- (iv) The record and proceedings along with the copy of the decree prepared by the decree department be sent to the concerned trial court.
- (v) After receiving the copy of decree from the decree department of the second appeal, the trial court/executing court to forward the copy of

the decree to the concerned Sub-Registrar office for registration since for the first time, the interest is created in the immovable property.

- (vi) The Second Appeal is accordingly disposed of.
- (vii) In view of disposal of Second Appeal, Civil Application also stands disposed of.

[SHRIKANT D. KULKARNI, J.]

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