

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**910 CIVIL APPLICATION NO.10531 OF 2021
IN SA/484/2009**

SHAHANURBI HYDERSAB
VERSUS
KARIMSHAH SAWARSHA AND ORS

...
Advocate for Applicant : Ms. M. A. Kulkarni
Advocate for Respondents No.1 to 3: Mr. V. D. Patnoorkar(IN SA)
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 12-10-2021.

ORDER :

1. The parties have arrived at compromise. The terms of settlement have been filed at Exhibit 'B' (page No.8 of the application). Those terms are got verified through learned Registrar (Judicial). He has submitted the report that the parties have accepted that they have put signatures/thumb impressions on the compromise deed. They admit the contents of the compromise and also the fact that no force or fraud has been played upon them. Under such circumstances, the compromise terms Exhibit 'B' are taken on record.

2. The appellant is the original plaintiff who had filed Regular Civil Suit No.51 of 2003 for declaration of ownership and recovery of possession. The suit was decreed. Plaintiff was declared a owner of

the suit property and the defendants were directed to deliver vacant possession of the suit land to the plaintiff. Thereafter, it appears that the defendants preferred Regular Civil Appeal No.63 of 2005 before District Court, Kandhar, District Nanded, and the learned Adhoc District Judge-1, Kandhar allowed the appeal on 30-04-2009 thereby reversing the decree passed by learned Civil Judge, Junior Division, Loha, District Nanded. The suit filed by the plaintiff was dismissed. Now by way of compromise, it is contended that the original defendants have agreed to give right to the plaintiff to whom now they are considering as niece and they are giving 40 R land as her share and instead of giving the said land, it is stated that they would give amount of Rs.5 lakh. Out of that amount, amount of Rs.10,000/- is stated to have been given to her in front of Gav-Panchayat and the defendants have agreed to pay amount of Rs.4,90,000/- after the order passed by this Court.

3. Taking into consideration the decisions of the Lower Court and now the terms of settlement, if at all the document requires stamp duty to be recovered, then copy of the decree requires to be sent to Sub-Registrar having jurisdiction over the lands situated in village Hatni, Taluka Loha, District Nanded. With this conditions, the terms

are accepted and following order is passed.

ORDER

- 1) The second appeal stands allowed in terms of compromise Exhibit 'B'.
- 2) The Judgment and decree passed by both the Courts below stands set aside. The said suit stands decreed in terms of compromise terms Exhibit 'B' which shall be the part of the decree.
- 3) Copy of the decree so prepared be sent to Sub-Registrar having jurisdiction over lands situated in village Hatni, Taluka Loha, District Nanded, for taking a cause as to whether a registration is required with stamp duty, if any.
- 4) No order as to costs.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-