

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**910 SECOND APPEAL NO.455 OF 2015
WITH CA/11103/2015 IN SA/455/2015**

SHAHABAI GULAB JEDHE AND OTHERS
VERSUS
SANGITA DATTATRAYA PARKALE

...

Advocate for Appellants : Mr. Pandule A. Y.
Advocate for the Respondent : Mr. Kakde Yuvraj V.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 02.12.2021

ORDER :-

. Parties have arrived at compromise and the compromise terms are produced in writing, which is now marked as Exhibit-'X'. The verification has been got done through the learned Registrar (Judicial) and he has filed report stating that the parties had put their thumb marks and they have admitted the contents. The appellants were the original plaintiffs, who had filed suit for partition and separate possession. That suit was decreed and thereafter, original defendant filed Regular Civil Appeal No.18 of 2011, which came to be allowed by setting aside the judgment and decree passed by the learned Trial Judge in Regular Civil Suit No.188 of 2006, thereby the suit was dismissed. Hence, the second appeal was filed. Now, the parties have arrived at the compromise. As per the

compromise, it has been stated that the original defendant present respondent would surrender and give-up her rights in the suit land in favour of appellant No.2 in lieu of payment of amount of Rs.8,62,000/-. It also appears that a demand draft to that effect was given by plaintiff No.2. Further, appellant Nos.1 and 3 have decided to surrender their respective shares in favour of plaintiff No.2 – appellant No.2. Under such circumstance, the compromise decree, that would be passed now, will have to be sent to Sub Registrar, Ashti, Dist. Beed or any such competent authority having jurisdiction over the lands situated at village Pimpri (Ghumri), Tq. Ashti, Dist. Beed under the Indian Registration Act in view of Maharashtra Amendment to Section 17 of the Indian Registration Act. With these observations, following order is passed :-

ORDER

- I) The Second Appeal stands partly allowed.
- II) The judgment and decree passed by learned Civil Judge Junior Division, Ashti, Dist. Beed in Regular Civil Suit No.188 of 2006 on 12.03.2010 and the judgment and decree passed in Regular Civil Appeal No.18 of 2011 by learned Ad-hoc District Judge-2, Beed on 30.07.2015 are hereby set aside. Regular Civil Suit No.188 of 2006 stands decreed in terms of compromise terms Exhibit- 'X'.
- III) The decree be drawn accordingly.

IV) The decree so drawn be sent to Sub Registrar, Ashti or any competent authority under the Indian Registration Act having jurisdiction over the lands situated in village Pimpri (Ghumri), Tq. Ashti, Dist. Beed for its registration, if any, as per the law.

V) Civil application No.11103 of 2015 stands disposed of.

[SMT. VIBHA KANKANWADI, J.]

scm