

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 SECOND APPEAL NO.282 OF 1999
WITH CA/10950/2021 IN SA/282/1999
WITH CA/1483/2001 IN SA/282/1999
WITH CA/1435/2021 IN SA/282/1999
WITH CA/7554/2018 IN SA/282/1999

VEDPRAKASH M HARKAR THRU L.RS.ALKABAI DIED THROUGH LRS.
DEEPAK VEDPRASKH HARKAR AND ORS

VERSUS

SOMNATH UDHAVRAO WATTAMWAR AND ORS

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Advocate for Applicants : Mr. Suryawanshi D. N. & Mr. Suryawanshi P. D.

Advocate for Respondent No.1 : Mr. M. S. Deshmukh

Advocate for Respondent No.3 : Mr. D. G. Nagode

AGP for respondent Nos.4 to 6 : Mr. A. M. Phule

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22.11.2021

ORDER :-

. Parties have entered into compromise. It will not be out of place to mention here that there was already a partial compromise that was granted by this Court by order dated 07.01.2019. It was between the appellants and present respondent Nos.2 and 3. However, at that time, there was no compromise between respondent No.1 and the appellants. Now, even that compromise has taken place. The verification of the compromise has been got done through learned Registrar (Judicial). It has been stated that there was no pressure or coercion for any of the

parties to enter into compromise. It appears that there was technical lacuna as regards the legal representatives of respondent No.2. That application is already allowed, however, the amendment has not been carried out and, therefore, learned Advocate for the appellants to carry out that amendment immediately.

2. The learned Advocate for the appellants submits that though earlier there was compromise between appellants and respondent Nos.2 and 3, which was recorded by this Court on 07.01.2019, now the terms have varied and in the present compromise terms everything is included and, therefore, he is not pressing for decree in terms of compromise recorded by this Court on 07.01.2019. Therefore, taking into consideration the compromise that has taken place between the appellants and respondents, the second appeal stands disposed of in terms of compromise Exhibit-'B'. However, the fact remains is that certain parties are relinquishing their rights and lakhs of rupees are agreed to be transferred. Therefore, in view of Maharashtra Amendment to Section 17 of the Indian Registration Act, the consent decree deserves to be registered taking into consideration the decision to be taken by the appropriate authority under the Act. Therefore, the copy of the consent decree has to be given to the concerned authority. In view of the same, following order is passed :-

ORDER

I) The Second Appeal stands disposed of in view of compromise arrived at between the parties, which is marked at Exhibit-'B'.

II) The judgment and decree passed in Regular Civil Suit No.243 of 1980 by learned Civil Judge Senior Division, Beed on 08.01.1987 and judgment and order passed in Regular Civil Appeal No.123 of 1987 by learned 2nd Additional District Judge, Ambajogai on 12.02.1998 are hereby set aside. Regular Civil Suit No.243 of 1980 stands disposed of in terms of compromise Exhibit-'B'.

III) Copy of the compromise decree be sent to Sub Registrar, Kaij having jurisdiction over the lands situated at Kaij for action to be taken, if any.

IV) Decree be drawn accordingly.

V) Civil Application Nos.10950 of 2021, 1483 of 2001, 1435 of 2021 and 7554 of 2018 stand disposed of.

[SMT. VIBHA KANKANWADI, J.]