

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 SECOND APPEAL NO.173 OF 2009
WITH
CA/10886/2021 IN SA/173/2009

SURYABHAN TUKARAM DHAIGUDE AND ORS
VERSUS
AASHABAI ABHIMAN DHALGUDE AND ANR

...

Advocate for Appellants : Mr. Kuldeep S. Patil, Adv. h/for Mr.
S S Choudhari;
Mr. RD Thorat, Adv. For Resp.Nos. 1 & 2;
Mr. P.D. Suryawanshi, Adv. For Resp.Nos.3 & 4 .

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 17th November, 2021

PER COURT :-

1. The parties have arrived at compromise and terms of compromise have been placed on record. Those compromise terms have been verified through learned Registrar (Judicial). The said terms of compromise are marked as Exhibit-X for identification.
2. Original plaintiffs had filed Regular Civil Suit No. 262/1994 for partition and separate possession of the suit properties. The said suit was decreed by learned Joint Civil Judge, Junior Division, Kaij, District Beed on 27.11.1997. The original defendants had filed Regular Civil Appeal no. 1/1998, which was dismissed by learned District Judge-2, Ambejogai, District Beed on 30th December, 2008. Now, as aforesaid, the parties have arrive at the compromise and it appears that they have got their own shares determined and settled. It is also

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stated that Respondent Nos. 3, 4 and 5 waived their rights in respect of the shares in the suit property, thereby they have stated that they are relinquishing their shares.

3. Perused the report of the Registrar (Judicial).

4. In view of the compromise terms arrived at between the parties, referred to above, the Second Appeal as well as the suit stand disposed of in terms of the compromise. The judgments and decrees passed by both the Courts below stand set aside and the suit stands disposed of in terms of the compromise, specifically the terms which have been agreed by the parties in respect of giving share as well as relinquishing the share in the respective suit properties. Decree be drawn accordingly. The compromise decree be sent to Sub-Registrar, having jurisdiction over the suit lands for further action to be taken, if any, as per the law in view of the amendment by the Maharashtra State to the Registration Act.

5. The Second Appeal stands disposed of. Pending civil application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV