

Sneha N.
Chavan

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1544 OF 2020
IN
SECOND APPEAL NO. 483 OF 2011**

Krishna Narayan Kadu .. Applicant
V/s.

Pandharinath Narayan Kadu & Ors. ..Respondents

Mr. Rahul Motkari for the Applicant

Mr. Sandeep Waghmare i/b Dhananjay Ranaware, for the
Respondent No.1.

Pandharinath Narayan Kadu, respondent No.1 party in person
present.

CORAM : C.V. BHADANG, J.

DATE : 13th JANUARY, 2021

PC.

1. This is an application for deleting seven properties as listed in para 9 of the application, from the properties, which are subject matter of dispute.

2. The learned counsel for the applicant states that there is an amicable settlement between the parties in respect of these seven properties and accordingly a Memorandum of Understanding (“MoU”) is executed on 31.01.2020. The copy of the MoU is taken

on record and marked “X” for identification. He, therefore, seeks leave to delete the said properties.

3. The learned counsel for the applicant points out that respondent no.1 Pandharinath Kadu, is the only contesting respondent. He points out that at the time of filing of the suit, there was an apprehension that the disputed property would be transferred to second respondent i.e. Smt. Gulab Shantaram Patil, which did not happen. The third respondent is CIDCO. It is pointed out that the dispute is regarding partition of the properties i.e. between appellant/applicant and the first respondent, who are real brothers.

4. Respondent No.1 is present before the court. The learned counsel for the respondent No.1 on instructions states that there is an amicable settlement in respect of the aforesaid seven properties. He, therefore, has no objection for deletion of the same.

5. On hearing the learned counsel for the parties and for reasons mentioned in the application, the same is allowed, in terms of prayer clauses (a) and (b).

6. The parties submit that they will continue to explore the possibility of settlement in respect of the rest of the properties, which are subject matter of dispute.

7. Interim application is accordingly disposed of.

C.V. BHADANG, J.