

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAO) NO. 68 OF 2021

IN

**MISC. CIVIL APPLICATION (ST.) NO. 495 OF 2019 IN SECOND APPEAL NO. 32 OF
2018**

(Waman Govinda Akkalwar and others ..vs.. Sau. Godavari Vilas Atram)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.M. Vaishnav, Counsel for the applicants,
Mr. S.C. Bhalerao, Counsel for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 25-01-2021

The original defendants are seeking review of the judgment dated 03-12-2018 rendered in Second Appeal 32/2018 whereby the second appeal preferred by the review applicants came to be dismissed.

2. The second appeal was directed against the judgment dated 02-11-2017 in Regular Civil Appeal 68/2014 rendered by the District Judge, Yavatmal whereby the judgment and decree dated 30-6-2014 in Regular Civil Suit 5/2012 passed by the Civil Judge (Junior Division), Ghatanji is reversed and the suit preferred by the original plaintiff Mrs. Godavari Atram- the respondent in the second appeal, is partly decreed.

3. During the pendency of the review application, the parties have entered into compromise which is recorded in the joint praecipe dated 25-12-2021. The

praecipe is taken on record.

3. I have interacted with Mrs. Godavari Atram and she confirms that the dispute is settled, subject to the condition that she shall be paid amount of Rs.7,00,000/- (Rupees Seven Lakhs) from the compensation amount deposited with the Collector, Yavatmal. I have also interacted with the review applicants and they confirmed the terms and conditions of the compromise and solemnly undertake that the amount of Rs.7,00,000/- (Rupees Seven Lakhs) shall be paid to Mrs. Godavari Atram.

4. The review applicants and Mrs. Godavari Atram state that they would be preferring a joint application before the Collector within seven days. The statement is accepted. If such an application is moved, the Collector, Yavatmal shall dispose of the application within the next 14 days.

5. In view of the settlement, Mrs. Godavari Atram is permitted to withdraw Regular Civil Suit 5/2012. As a necessary consequence, of the withdrawal, the judgment and decree dated 02-11-2017 rendered by the District Judge, Yavatmal in Regular Civil Appeal 68/2014 and by this Court in Second Appeal 32/2018 shall cease to be operative.

6. It is clarified that the consequences provided, that the judgment and decree in favour of Mrs. Godavari Atram shall cease to have effect, shall come into force after she receives Rs.7,00,000/- (Rupees Seven Lakhs).

JUDGE

adgokar