

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.685 OF 2009

Shobhabai w/o Suresh Phulari ... APPELLANT

VERSUS

Baby d/o Suresh Phulari & ors. ... RESPONDENTS

Mr. Ravi Khandebharad, Advocate holding for
Mr. V.D. Salunke, Advocate for appellant
Mr. M.M. Patil (Beedkar), Advocate for R.No.1 and 2
Mr. A.S. Deshmukh, Advocate for R.No.3.
Mr. V.B. Deshmukh, Advocate for R.no.5, 5A and 6

CORAM : R. G. AVACHAT, J.

DATE : 6th JULY, 2022.

PER COURT :

Heard. This appeal is said to have been compromised between the appellant Shobhabai w/o Suresh Phulari on one hand and the respondent No.1 Baby d/o Suresh Phulari on the other, though there are other respondents as well.

2. The challenge in this Second Appeal is to the judgment and decree declaring the respondent Baby @ Anjali and her mother to have 1/6th share each in the suit house

property. Pending the suit, Baby @ Anjali's mother passed away. The appellant Shobhabai claimed to be second wife of deceased Suresh. Narayan was common ancestor. He was survived by his two sons namely Trimbak and Suresh. Ratnamala was first wife of Suresh. Baby @ Anjali is the daughter of Suresh and Ratnamala. The suit was filed by both the mother and the daughter, claiming their share in the suit house property.

3. Now the compromise has been arrived at between appellant Shobhabai on one hand and Baby @ Anjali on the other. Ratnamala has passed away. Under the terms of compromise, respondent Baby @ Anjali has received a sum of Rs.15,00,000/- (Rupees fifteen lakhs) by Demand Draft. The respondent No.1 Baby @ Anjali is present in Court. She claims to have received Demand Draft of Rs.15,00,000/-. In consideration thereof, she has given up her right, title and interest in the suit house property in favour of appellant Shobhabai. The Memorandum of Compromise is taken on record and marked "X" for identification. Since the compromise cannot be said to be illegal or void, the Court proposes to endorse the same. The Second Appeal thus stands disposed of in terms of compromise.

4. The other respondents to this appeal are no way affected in view of these terms of compromise. It is informed that, another appeal is pending between the heirs of Trimbak and Suresh.

5. The parties to have the compromise/ decree registered with the office of Sub-Registrar.

**(R. G. AVACHAT)
JUDGE**

fmp/-