

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

FIRST APPEAL NO.570 OF 2013
WITH
CA/2741/2013 IN FA/570/2013

HEMLATA MAHENDRA PATIL
VERSUS
DEELIP CHINDHA PATIL AND OTHERS

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Mr. L.V. Sangeet, Advocate h/f Ms. Minakshi L. Sangeet, Advocate
for the Appellant
Mr. S.S. Patil, Advocate for respondent Nos. 1 and 2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29th MARCH, 2022

PER COURT:-

1. Mr. Sangeet learned counsel for the appellant seeks leave to place on record the certified copy of the decree passed in Special Civil Suit No. 38 of 2013 dated 01.08.2021.

2. Leave granted. The certified copy of the decree passed in Special Civil Suit No. 38 of 2013 is taken on record and marked as 'X' for identification.

3. Mr. Sangeet, learned counsel for the appellant invited my attention to clause no.3 of the decree, which relates to settlement arrived between the parties in respect of this first appeal. He

submitted that it is amicably settled between the parties that the appellant would get 60% share of the compensation amount. Whereas, Ranjanabai and her husband Deelip Patil would get remaining 40% share of the compensation amount. He, therefore, urged to modify the award passed by the Tribunal.

4. Mr. S.S. Patil, learned counsel for respondent nos. 1 and fairly concedes this position.

5. Appellant Hemlata W/o. Mahendra Patil and respondent nos.1 and 2 namely, Deelip S/o. Chinda Patil and Sau. Ranjanabai W/o. Deelip Patil are present before the Court. They are identified by the respective counsel before the Court. Upon making enquiry, both of them admitted about such settlement amongst them, which relates to this appeal and distribution of their share of compensation.

6. Having regard to the above scenario, the appeal can be disposed of as under:

ORDER

(i) The appeal is disposed of in view of amicable settlement between the parties.

(ii) The appellant Hemlata W/o. Mahendra Patil would get 60% share of the compensation amount with interest thereon as per the terms of the compromise.

(iii) Respondent nos. 1 and 2 namely, Deelip S/o. Chinda Patil and Sau. Ranjanabai W/o. Deelip Patil would get 40% share of the compensation amount together with interest thereon.

(iv) No order as to costs.

(v) Award be modified accordingly.

(vi) The Member, M.A.C.T., Dhule may make payment of compensation to the respective parties as stated above, if there is no stay from this Court.

(vii) The first appeal is accordingly disposed of .

(viii) In view of disposal of the first appeal, civil application no. 2741 of 2013 also stands disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane