

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 SECOND APPEAL NO.405 OF 2005

SHARAWAN DAGDU WANI
VERSUS
VISHNU DAGDU WANI

.....
Advocate for Appellant : Mr. Kishor M. Gadve Patil
Advocate for Respondent Nos. 1, 2a T 2c, 3 To 5 : Mr. P.K. Joshi
Advocate for Respondents R/6 To 12: Mr. V.H. Dighe
Advocate for Respondents R/13 To 21 : Mr. S.B. Bhapkar
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CORAM : BHARAT P. DESHPANDE, J.
DATED : 12th AUGUST 2022

PER COURT:-

1. Learned counsel for the parties submit that the parties have arrived at amicable settlement and accordingly the compromise terms drawn and duly signed by the respective parties are presented today in the Court.
2. On perusal of consent terms, it appears that all parties to the litigation have decided to settle the matter and accordingly each party to the settlement terms have filed separate affidavits which are appended to the terms of compromise. Similarly, the copies of demand drafts/cheques for the amount of shares of respective parties, as mentioned in the compromise terms, are also placed on record with the compromise terms.
3. On considering the terms of compromise, it is clear that the dispute between parties is settled. The terms are legal and required to

be accepted. There is no impediment found in accepting the terms of settlement.

4. Since the parties have decided to settle their dispute as per the terms and conditions mentioned in the compromise deed, the second appeal pending before this court needs to be disposed of on the ground of settlement arrived at between the parties.

5. Similarly, the civil application/s, if any, pending in the second appeal, is/are also required to be disposed of.

6. The settlement terms filed by the parties in the present proceedings, alongwith the demand drafts/cheques are taken on record and marked "X" for identification. Hence, the following order:-

O R D E R

- I. The judgment and orders passed by the courts below are therefore, modified to the effect of terms and conditions arrived at between the parties as per the compromise terms.
- II. The second appeal is therefore, disposed of on the basis of compromise terms, as mentioned above.
- III. Civil application, if any, is also disposed of.

(BHARAT P. DESHPANDE, J.)