

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

FIRST APPEAL NO.1265 OF 2017

PITAMBAR PANDURANG PATIL DIED THROUGH HIS LRS
SANGITABAI PITAMBAR PATIL AND ANOTHER
VERSUS
BABUSING BALLU NAIK AND OTHERS

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Mr. S.R. Dheple, Advocate for the appellants.

Mr. M.M. Bhokariker, Advocate for respondent Nos. 1 to 4.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 05.08.2022.

ORDER:-

1. Leave to add hand-written para 3A in the compromise memo.

2. During pendency of this appeal, the rival parties arrived at an amicable settlement and filed compromise terms as per the compromise arrived between them. It appears that the present appellants, who are supposed to pay compensation to the original claimants as per the impugned award of the learned Tribunal, have agreed to pay amount of Rs.17,51,000/- towards the full and final settlement to the present respondent Nos. 2 to 4, as stated in para No. 3 of the compromise terms. I have verified the contents of compromise terms and the parties have admitted the same in the open Court. Accordingly, the compromise terms are taken on record and marked 'X' for identification and the same are accepted.

3. It is to be noted here that respondent No.5 Mangalabai Pitambar Patil, who is the alleged second wife of deceased Pitambar, was also supposed to pay the compensation to respondent Nos. 2 to 4 under the impugned award. However, the responsibility of paying compensation has already undertaken by the present appellants i.e. original respondent Nos.2 and 4, and therefore, her presence today is not necessary for effecting the compromise. Further, it appears that out of the original claimants, the claimant No.2 Babusing Ballu Naik is expired on 03.10.2018 and his legal heirs are already on record.

4. Thus, it appears that the compromise is voluntary in nature and care has also taken for giving some amount to the wife of deceased i.e. Jijabai as stated in the compromise terms. Thus, the appeal stands disposed of in terms of the aforesaid compromise terms marked as 'X' and decree be drawn up according to the compromise terms. The amount of Rs. 25,000/- being deposited in this Court as a statutory deposit, be paid to appellant No. 2 Akshay Pitambar Patil. The Court-fees be refunded to the appellants, as per rules.

(SANDIPKUKAR C. MORE, J.)