

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

1 SECOND APPEAL NO.848 OF 1999
WITH CA/4266/2002 IN SA/848/1999 WITH CA/6706/2005 IN
SA/848/1999 WITH CA/6704/2005 IN SA/848/1999 WITH
CA/8359/2023 IN SA/848/1999

SHIVAJI NARAYAN SHINDE
VERSUS
KAMALABAI KISHANRAO WARTALE AND OTHERS

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Advocate for Appellant : Mr. P. S. Dighe h/f.
Mr. V. R.Dhorde
Advocate for Applicant : Mr. Vivek V. Bhavthankar
(in C.A.No.8359/2023)
Advocate for Respondents : Mr. B. G. Deshmukh
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CORAM : ARUN R. PEDNEKER, J.

DATE : 12.07.2023

PER COURT :

1. Learned counsel submits that the parties are present in this Court. The parties were directed to remain present before the Registrar (Judicial) to verify the compromise. Accordingly, parties remained present before the Registrar (Judicial), and the compromise is verified by the Registrar (Judicial) of this Court.

2. The compromise is arrived between the applicant and respondent No.1.

3. Learned counsel for the applicant submits that in view of the compromise deed, the Second Appeal be disposed of.

4. Civil Application No. 8359/ 2023 is filed by the purchaser of the suit property for intervention. Civil Application No. 8359/2023 for intervention is allowed. It is clarified that the present compromise has taken place between the petitioner and respondent No.1 and the applicant is not bound by the compromise. The applicant is at liberty to defend his right over suit property in appropriate proceedings, independently and in accordance with law.

5. The learned counsel for respondent No.1 submits that in terms of the compromise, he has received Rs. 2,00,000/- by demand draft and earlier amount of Rs. 7,00,000/- and the entire amount receivable under the compromise deed.

6. Second Appeal is disposed of in terms of the compromise. However, rights of the applicant is not affected by the compromise. The compromise is binding only on applicant and the respondent No.1.

7. Learned counsel for the applicant seeks leave to withdraw Civil

Application No. 6706/2005. Leave granted.

8. Remaining pending Civil Applications are disposed of accordingly.

9. Certified copy of this order be issued after necessary amendment is carried out in the appeal memo.

10. Decree be drawn accordingly.

(ARUN R. PEDNEKER)
JUDGE

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shp/-