

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5327 OF 2020

Madhav Shrirang Jagtap

...Petitioner

Versus

Rajaram Kisanrao Potdar

...Respondent

Mr. V.D. Salunke, Advocate for the petitioner.

Mr. C.V. Thombre, Advocate for the respondent.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th MARCH, 2023

ORDER :

1. Leave to correct the prayer clause. Amendment to be carried out during the course of the day.

2. By this petition filed under Article 226 and 227 of the Constitution of India, petitioner impugns order dated 21.11.2019 passed by learned Civil Judge, Junior Division, Lohara, below Exhibits- 104, 105, 106 and order rejecting the compromise terms below Exhibit -103 in Regular Civil Suit No. 50/2012.

3. By way of amended prayer, the petitioner has prayed that the respondent may be directed to refund the amount of Rs.

2,00,000/-, which was accepted in view of compromise terms verified on 18.07.2019.

4. Learned advocate for the respondent on instructions from his client, who is present in the Court, submits that his client is ready to repay Rs. 1,50,000/- which according to him was accepted by him.

5. Having heard the learned advocate for the petitioner and learned advocate for the respondent, this petition is disposed of by directing the respondent to repay amount of Rs. 1,50,000/- to the petitioner within four weeks from the date of receipt of writ of this order, however, keeping open the question of Rs. 50,000/-.

6. Since this petition is being disposed of by giving direction to the Trial Court, all the contentions of the petitioner and respondent are kept open. The suit is expedited.

[NITIN B. SURYAWANSHI, J.]