

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

919 SECOND APPEAL NO.801 OF 2017

MANISHA SUNIL SURWASE AND OTHERS
VERSUS
GOVARDHAN TULSHIRAM SURWASE AND OTHERS

...
Advocate for Appellants : Mr Tungar Hrishikesh V, Mr. H. B.
Pawar.

Advocate for Respondents : Ms. Pallavi P. Wangikar h/f
Mr. Dharurkar Chaitanya V.

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CORAM : S. G. MEHARE, J.
DATE : 30.08.2023

PER COURT :-

1. Heard the learned counsels for the respective parties.
2. The suit was for partition. There were two judgments in favour of the parties. However, the parties to the suit have settled the dispute amicably and filed the settlement terms. It is made the part of the record and mark it as “**Annexure-A**”. The parties were before the Registrar to verify them and admitting the terms of the settlement. However, respondent No.1 Govardhan, who was the signatory to the agreement, died thereafter. Therefore, Civil Application No.8391 of 2023 was filed to delete his name and continue the proceeding against the respondents and the appellants were the legal heirs of

Govardhan. The necessary amendment has also been carried out and filed on record. Hence, though his name and signature is appearing on the compromise deed, it shall be omitted.

3. In view of the above, the following order is passed :

ORDER

- (i) The judgment and decree passed by the learned 7th Joint Civil Judge Junior Division, Beed in Regular Civil Suit No.192 of 2009, dated 15.04.2013 and the judgment passed by the learned District Judge-3, Beed in Regular Civil Appeal No.75 of 2013, dated 25.01.2017 stands quashed and set aside.
- (ii) The decree be drawn up according to the settlement deed "Annexure-A" as the suit has been disposed of in its terms.
- (iii) No order as to costs.
- (iv) Copy of the compromise deed be sent to the Trial Court.
- (v) Second Appeal accordingly disposed of.

(S. G. MEHARE, J.)

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vmk/-