

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

SECOND APPEAL NO.1 OF 2004

**MADHUKAR ALIAS MADAN S/O LAXMAN TAMBE AND OTHERS
VERSUS
SADASHIV LAXMAN TAMBE AND OTHERS**

Mr. S. Y. Mahajan, Advocate for the appellants
Mr. Ajinkya Kale, Advocate for Talekar & Associates for respondent
Nos.1,3 to 7, 10, 2A-A to 2A-C and 2B

CORAM : R. M. JOSHI, J.

DATE : 23rd MARCH, 2023

PER COURT :-

1. At the outset learned counsel for the appellants states that appellant No.1 Madhukar expired on 04/10/2022. His legal representatives are already brought on record. He, therefore, seeks leave to mention against the name of Madhukar as deceased. Leave is granted. Amendment to be carried out forthwith.

2. This appeal is preferred by the original defendant Nos. 4 to 6 against the impugned judgment and decree passed by the First Appellate Court in R.C.A. No. 52/1996 whereby the judgment and decree passed in R.C.S. No. 203/1983 was modified. In the present appeal original plaintiff and defendants have arrived at compromise, whereby they have partitioned entire suit properties amongst themselves as per the terms of

compromise specifically set out in clause No. A to K. All parties are present before the Court, they State about voluntary execution of the compromise. This Court find the compromise to be voluntary. There is no impediment in passing decree in terms of compromise.

3. Hence, by consent of both sides, judgment and decree passed in R.C.S. No. 203/1983 dated 29/02/1996 and R.C.A. No. 52/1996 dated 09/10/2003 stand quashed and set aside.

4. The compromise is taken on record and marked as 'X' for identification. R.C.S. No. 203/1983 is decreed in terms of compromise.

(R. M. JOSHI, J.)

ssp