

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

**WRIT PETITION NO.10009 OF 2023**

Pandurang Kondiba Kadam .... Petitioner

Versus

Suresh Ganpati Sonule .... Respondent

.....  
Mr. G.J. Pahilwan, Advocate for the Petitioner

.....

**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 11<sup>th</sup> AUGUST, 2023**

**ORDER :**

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner challenges the order dated 12/11/2022 passed by the *Maha Lok Adalat*, thereby recorded settlement in the suit.

2. It is the contention of the petitioner that, respondent filed Regular Civil Suit No.306 of 2022 for partition in the Court of learned Civil Judge, Junior Division, Kandhar on 03/11/2022. Suit summons was issued on 09/11/2022 and the matter was kept on 12/11/2022. On that day, there was *Maha Lok Adalat*, in which by the impugned order, the settlement arrived at between the plaintiff and defendant was recorded,

and the suit came to be disposed of in terms of the settlement.

3. Heard the learned advocate for the petitioner. Perused the writ petition memo, annexures thereto, and the impugned order

4. Learned advocate for the petitioner submits that the terms of compromise were not read over to the petitioner and the advocate for the petitioner was not called, and in absence of the lawyer, the impugned order is passed. The petitioner is old and infirm, and his signature is obtained on compromise deed stating that application for measurement of land is being filed. In fact, the suit itself is not maintainable, and therefore, the compromise deed recorded by the *Maha Lok Adalat* is liable to be quashed and set aside.

5. Perusal of documents placed on record, indicate that the petitioner and his advocate were present at the time of recording the compromise. The compromise memo Exhibit-10 and compromise deed Exhibit-11 signed by both the parties and their advocates were placed before the *Maha Lok Adalat*. Both the parties and their advocates were present. They agreed and accepted the terms of settlement. Accepting the

same, the *Maha Lok Adalat* has passed the order and decreed the suit in terms of the compromise.

6. In view of the above, there is no merit in the submission of the learned advocate for the petitioner that the petitioner was misled and his signature was obtained on the pretext that application for measurement is being filed and that his advocate was not present at the time of recording the compromise. The documents Exhibits-10 and 11 placed on record and the order Exhibit-1 in Regular Civil Suit No.306 of 2022 belies the said arguments. The panel of *Mah Lok Adalat* has no personal interest to pass the order prejudicial to the petitioner's interest. There is no merit in the challenge raised in the present petition. The writ petition being devoid of merit is dismissed.

[ NITIN B. SURYAWANSHI ]  
JUDGE