

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO.185/2023 IN
SECOND APPEAL NO. 29/2005 (D)

Jagdish @ Devidas Baban Salodkar and others Vs.
 Shri Bhujjangrao Shriram Raut (dead) thr. LR's and others

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri P.S. Tidke, Advocate for appellant No.1 Shri E.S.
 Sahasrabuddhe, Advocate for appellant Nos.5(I)(A), 5(I)(B),
 5(I)(C), 2 & 5
 Shri S.D. Deoras, Advocate for respondent Nos.4(B) & 4 (C)

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 06/11/2023

It appears that this Court, on 10/08/2022, recorded compromise terms as per deed dated 26/07/2022 marked as 'A' for identification and on the basis of the same, decree was directed to withdraw. However, subsequently, there was some controversy between appellant Nos.1 and 2 on one side and appellant Nos.3 and 4 on another side. Therefore, matter was sent to mediation. The mediation is successful and matter was settled before the mediator. Accordingly, additional consent terms were recorded. The said additional consent terms are marked as 'B' for identification. As such, the order dated 10/08/2022 is modified as under:

"1. The present Second Appeal appears to be settled before the Mediator. The settlement terms dated 26/07/2022 as marked 'A' for identification. Thereafter, matter was again referred to mediation as there was some controversy between appellant Nos.1 and 2 on one side and appellant Nos.3 and 4 on another side. Their controversy also settled before the mediator and the modified terms are placed on record as document 'B'.

2. In view thereof, the compromise deed is taken on record. Second Appeal stands disposed of in terms of compromise deed dated 26/07/2022 marked as document 'A' and 'B'.

3. The judgment passed by learned 10th Ad-hoc Additional District Judge, Nagpur in R.C.A. No.127/2002 as well as the judgment passed by learned Civil Judge, Junior Division, Saoner, in R.C.S. No.102/2001 are hereby quashed and set aside.

4. Decree be drawn up in terms of compromise deed 'A' and 'B' accordingly."

Second appeal stands disposed of accordingly.

JUDGE