

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO. 533 OF 2006

KESHAOLAL ZAWARCHAND PAREKH

...**VERSUS**...

SHITALPRASAD D. PANDE AND ORS.

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

Court's or Judge's order

Shri R.V.Malviya, Advocate for appellant.

Shri C.A.Joshi, Advocate and Shri R.M.Tiwari, Advocate for LR's. of respondent
nos. 5(1) to 5(5).

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 03rd APRIL, 2023

Pursis (Stamp) No. 04/2023

By this Pursis, the appellant informs that he does not want to prosecute the Second Appeal against respondent nos. 1 to 4. As such, the appeal is dismissed against respondent nos. 1 to 4.

Civil Application (CAS) No. 458/2023

Leave to correct the cause title is granted.

2. Necessary amendment to be carried out forthwith.
3. The joint application is filed for passing a compromise decree.
4. Smt. Pushpamala W/o. Vinaykumar Ozarkar, respondent no.5(c) is represented through her power of attorney holder Girish S/o. Vinaykumar Ozarkar, respondent no. 5(b), so also Mrs. Sunita W/o. Bharat Jabade, respondent no. 5(d) is represented through her power of attorney holder Satishchandra Vinaykumar Ozarkar,

respondent no.5(a). The parties are present in person. They are identified by their respective counsel. The copies of power of attorney executed by Smt. Pushpamala W/o. Vinaykumar Ozarkar, respondent no.5(c) in favour of Girish S/o. Vinaykumar Ozarkar, respondent no. 5(b) on 17/02/2023 and another power of attorney executed by Mrs. Sunita W/o. Bharat Jabade, respondent no. 5(d) in favour of Satishchandra Vinaykumar Ozarkar, respondent no.5(a) on 28/02/2022 are filed along with application. The identity proof and Adhar Cards are also placed on record by the respective parties.

5. As per the settlement terms referred in present application (CAS No. 458/2023), the parties seek compromise decree and to dispose of the appeal.

6. The contents of the application are verified by the parties. They have agreed for the same. As such, the settlement being legal, genuine and is in the interest of parties, it is taken on record. The copies of power of attorney are annexed with the application and they shall be treated as a part and parcel of the Civil Application for a compromise decree.

7. Accordingly, the Second Appeal stands disposed of in terms of compromise arrived at between the parties as per terms mentioned in present CAS No. 458/2023.

8. Decree be drawn up accordingly.

9. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)