

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

CIVIL APPLICATION (CAS) NO. 563/2023

IN

SECOND APPEAL NO. 412/2014

Anna Mangalsao Dhopte (Dead) through L.Rs. Smt. Suman Wd/o Annaji Dhopte and others
Vs.

M/s Aren Builders and Promoters through its Partner Dhananjay Vasant Gawande and others

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

Court's or Judge's orders

Shri R.M. Bhangde, Advocate for appellant
Shri B.G. Kulkarni, Advocate for respondent No.1

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

DATE : 26/04/2023

Present compromise petition is filed by the appellants and respondent No.1. It is submitted by the parties that they have amicably settled the dispute as per terms and conditions referred in Civil Application No. 563/2023, in paragraph Nos. 1 to 19.

2. In view of settlement terms, respondent No.1 handed over eight Demand Drafts to appellant Nos. 1.1, 1.2(i), 1.2(ii), 1.2(iii), 1.3, 1.4, 1.5 and 1.6. The details of demand drafts and the amount therein is specifically mentioned in paragraph No.7 of the compromise petition.

3. As such, consideration of Rs.2,10,00,000/- (Two Crore Ten Lakhs only), was paid today before the Court to the appellants by respondent No.1. The appellants and respondent No.1. Dhananjay Vasant Gawande, are present in person and identified by their respective Counsel. The compromise petition is affirmed by the appellants as well as respondent No.1. The contents of the compromise petition are verified from the parties. They agreed to the same. The compromise petition being legal and genuine and in the interest of the parties is taken on record.

4. In view of paragraph No. 14, the sale deed was to be executed and registered on 25/04/2023, however, due to some technical difficulties matter could not be heard on 25/04/2023 and therefore, now it will be executed on 26/04/2023.

5. In paragraph No. 19, it is made clear by the parties that respondent No.2 i.e. Shobha Ramesh Bhosale was the vendor in the sale deed dated 20/11/1995. She has sold her entire rights to deceased Anna Dhopte/appellant. Therefore, she is not required to make party in this compromise petition. So far as respondent Nos.3 to 5 are concerned, they are claiming the rights of occupation on the suit plot through respondent No.1 and therefore, they are also not required to be party to this compromise petition.

6. The compromise petition will be the part and parcel of the decree. The second appeal stands disposed of in terms of compromise petition, Civil Application No. 563/2023. Decree be drawn in terms of compromise petition, i.e. Civil Application No. 563/2023. Second appeal stands disposed of accordingly.

(SMT. M.S. JAWALKAR, J.)