



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

918 SECOND APPEAL NO. 34 OF 2024

1. Nanasaheb Govind Borude,
Age : 50 Years, Occ. Agriculture
2. Sopan Gorakhashanath Kapse,
Age : 36 Years, Occ. Agriculture
3. Sharda Sunil Ambilwade,
Age : 40 Years, Occ. Agriculture
4. Sitabai Kanhu Borude,
Age : 62 Years, Occ. Agriculture
5. Alka Pandhrinath Sawant,
Age : 54 Years Occ. Agriculture

All Resident of Karegaon,
Tal. Shrirampur, Dist. Ahmednagar

.. Appellants

VERSUS

1. Vishwanath Gopinath Tarhal,
Died Through
Sashikala Kashinath Walunj,
Age : 71 Years, Occ. Household
2. Dnyaneshwar Kashinath Walunj,
Age : 56 Years, Occ. Agriculture
3. Ashabai Dnyaneshwar Walunj,
Age : 46 Years, Occ. Agriculture
4. Sudhir Kashinath Walunj,
Age : 52 Years, Occ. Agriculture
5. Kavita Sudhir Walunj,
Age : 43 Years, Occ. Agriculture

All R/o Karegaon,
Tal. Shrirampur, Dist. Ahmednagar

.. Respondents

...

Advocate for Appellants : Mrs. Suvarna M. Zaware

Advocate for Respondent No.1 : Mrs. Shubhangi D. More

Advocate for Respondent Nos.2 to 5 : Mrs. Kavita S. Bhale

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : October 03, 2024

ORDER:-

1. Today, the office has placed a report of learned Registrar (Judicial) dated 27.09.2024 before this Court along with the consent terms entered into among the parties. It appears that vide order dated 18.09.2024, earlier consent terms between the appellants and respondent No.1 were filed on record and the same were marked "X" for identification and sent to learned Registrar (Judicial) for verification. However, as per the earlier report of learned Registrar (Judicial) dated 18.09.2024, the said consent terms could not be accepted as respondent Nos. 2 to 5 were not party to those consent terms.

2. Now the fresh consent terms are produced before this Court along with verification report of learned Registrar (Judicial) without intimating the Court in advance. On making inquiry, it was found that the office directly forwarded the consent terms subsequently entered into, to the learned Registrar (Judicial) without obtaining any order of the Court.

3. The learned counsel for the appellants also submitted that she should have obtained prior permission of the Court for sending the subsequent consent terms for verification.

4. Be that as it may, now the learned Registrar (Judicial) has already verified the subsequent consent terms through the parties and also in presence of respondent Nos. 2 to 5, who were absent at the time of earlier consent terms. The report of learned Registrar (Judicial) dated 27.09.2024 indicates that all the parties to this appeal have voluntarily entered into the aforesaid consent terms which are now identified as "X-1". The respondent Nos. 2 to 5 have also filed these consent terms who are present before the Court today.

5. Considering all these aspects, the consent terms "X-1" are accepted. Accordingly, the Second Appeal stands disposed of in terms of the aforesaid consent terms. Decree be drawn up accordingly. The pending Civil Applications, if any also stands disposed of.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni