



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

14 WRIT PETITION NO. 4158 OF 2024

GURUNAMSINGH KAPOORSINGH PANDHER DIED THROUGH LRS
GURUPREETSINGH GURUNAMSINGH PANDHER AND OTHERS

VERSUS

SHRIPATI GANPATI SHINDE AND OTHERS

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Advocate for the Petitioner : Mr. Jadhavar Rajendra Krishnath

Advocate for Respondent No.3 : Mr. R. R. Suryawanshi

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 22, 2024

PER COURT :-

1. Heard the learned Advocate appearing for the parties.
2. The learned Advocate for the petitioners submits that the Trial Court has rejected the compromise between petitioner/plaintiff and respondent/defendant No.3 on the ground that the suit is abated against defendants No.1 and defendant No.2 is not present. However, pursis is filed by the plaintiff that he has no cause against defendants No.1 and 2. The plaintiff has purchased the property from defendants No.1 and 2, and as such, there is no cause against defendants No.1 and 2. In view of the same, the plaintiff has arrived with the settlement with defendant No.3. Such a settlement can be worked out with defendant No.3 and plaintiff has no cause against defendants No.1 and 2. Thus the impugned order is set aside.
3. The Trial Court is directed to verify the compromise by keeping the parties present and pass appropriate orders in the matter. However, it is clarified that the compromise so arrived between the plaintiff and defendant No.3 will not be binding upon the legal heirs of defendant No.1 and on the defendant No.2.
4. With observations as above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.