



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

13 CIVIL APPLICATION NO. 10777 OF 2024
IN SECOND APPEAL NO. 377 OF 1991

SHANKAR KASHINATH VIBHUTE DIED THROUGH L.RS. NAGNATH
SHANKAR VIBHUTE KADGAONKAR AND OTHERS
VERSUS
KRISHNA VITHOBA KALE DIED THROUGH L.RS. AND OTHERS

...
Mrs. Rekha Choudhari h/f. Mr. Sameer S. Choudhari – Advocate for
Applicants
Mr. V.C. Solshe – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 7th October, 2024

PER COURT :

1. Heard rival submissions.
2. This application is filed for deletion of respondent No. 2-A to 2-F being the legal representatives of original respondent No.2 – Bhagwat s/o. Yeshwantrao Narute, who is no more.
3. It appears that, original respondent No. 1 – Krishna s/o. Vithoba Kale had filed the suit against Bhagwat as well as original appellant – Shankar s/o. Kashinath Vibhute for declaration of his ownership and also for perpetual injunction. The learned Trial Court

has already set aside the sale-deed executed by Krishna in favour of Shankar and thereafter declared Krishna as a owner of the suit land. The decree against respondent No. 2 – Bhagwat, who is no more was only in respect of injunction.

4. Now both the learned Counsel for the rival parties submit that, there is compromise between legal representatives of appellant and legal representatives of respondent No.1. As such, considering nature of relief granted against the original respondent No. 2 – Bhagwat, the application stands allowed in terms of prayer clause 'B' at the risk of appellants and disposed of accordingly.

5. Necessary amendment be carried out accordingly.

[SANDIPKUMAR C. MORE]
JUDGE