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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2583 OF 2024

Mahant Kaushalendra Dasji

.. Petitioner

Versus

Govind Gangadhar Kute

.. Respondent

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- Mr. Yogesh Dandekar i/by Ms. Harshita B. Jangid Advocate for Petitioner.
 - Mr. Harshad M. Inamdar, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2024.

P.C.:

1. Heard Mr. Dandekar, learned Advocate for Petitioner and Mr. Inamdar, learned Advocate for Respondent.

2. Present Writ Petition impugns the validity of the order dated 05.08.2022 passed in Application below Exhibit “16” in Special Civil Suit No.76 of 2020. Application is filed jointly by Plaintiff and Defendant below Exhibit “16” to place on record a compromise pursis dated 27.04.2022 effected and signed by both the parties to reconcile and settle their dispute which is the subject matter of Special Civil Suit No.76 of 2020.

3. There are six specific obligations stated in paragraph Nos.3 to 8 of the compromise pursis. These obligations relate to the subject

matter of Special Civil Suit No.76 of 2020 and parties have agreed to abide by the same, resultantly seeking relief of disposal of the aforesaid Suit.

4. The learned Trial Court has rejected the Application on the ground that the facts and things mentioned in the compromise pursis are not part of the Suit and the decree cannot be passed as prayed for by the parties. There can be no impediment whatsoever in taking the compromise on record and passing the order for disposal in terms of the compromise pursis. It is clear that the Suit property stated in the Suit plaint finds specific mention in the compromise pursis.

5. In that view of the matter, there is no reason to relegate the parties to take any further steps before the Trial Court on the compromise pursis to dispose of the Suit proceedings by filing further Applications and the compromise pursis being merely taken on record with liberty granted to the parties. Hence compromise pursis dated 27.04.2022 is therefore directed to be taken on record by the Trial Court and the Suit be decreed in terms of the compromise pursis.

6. Needless to state that the order dated 05.08.2022 is quashed and set aside. The learned Trial Court is directed to pass the order and draw up the decree in terms of the compromise pursis and proceed further, if parties so apply.

7. In view of the above observations, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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