

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9773 OF 2024

Sarojini Ravindra Sulochane

.. Petitioner

Versus

Rajendra Shamkant Shivaram and Anr.

.. Respondents

-
- Mr. Mahendra Agavekar, Advocate for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 15, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Agavekar, learned Advocate for Petitioner.
- 3.** Perused the praecipe dated 15.07.2024, the Writ Petition and the impugned order dated 05.02.2024 passed below Exhibit-110 in Special Darkhast No.20 of 2008.
- 4.** It is seen that there was a compromise *pursis* between the parties, however with the passage of time, the parties have not honoured the terms of the compromise *pursis*. An application is now made for sale of the concerned property in execution proceedings for seeking the share.
- 5.** Mr. Agavekar would submit that his client who is the sister is ready and willing to purchase the one-third share as agreed upon by the compromise *pursis*. However the question would be whether the

sister would be in position to said share today in the year 2024 when terms were set in the compromise *pursis* in the year 1997. This is because the rates of property have increased in the meanwhile. I will have to hear the Respondents.

6. An arguable case has been made out by Mr. Agavekar for issuance of notice to Respondents.

7. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve the Respondents a copy of this order and copy of the Writ Petition and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Writ Petition on or before the next date.

8. Stand over to **22nd July, 2024**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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