

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12113 OF 2024

Sanjay Dattatray Kakade & Ors.

.. Petitioners

Versus

Bhamabai Ratan Ingawale & Ors.

.. Respondents

.....

- Mr. Karan Bhosale a/w Ms. Laveena Tejawani & Ms. Neha Bhosale
i/by NDW Law for Petitioners

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 27, 2024

P. C.:

1. Mentioned at the time of rising. Matter is at Sr. No. 39.
2. Heard Mr. Bhosale, learned Advocate for Petitioners (Org. Defendant Nos. 16 to 18). He requests for withdrawal of the Petition and seeks certain directions.
3. Petitioners impugn and take exception to the judgment dated 16.04.2024 passed by the learned District Court in Misc. Civil Appeal (MCA) No. 24 of 2022. MCA is filed to challenge the order passed by the learned Trial Court below Exh. 99. Parties are directed by the impugned order to maintain *status quo* in respect of possession and any transaction including delivery of possession.
4. Mr. Bhosale while drawing my attention to the impugned judgment would submit that in the interregnum Defendant Nos. 16 to

18 before the Trial Court who are Petitioners before me have settled the entire *lis* with the Plaintiffs and Defendant Nos. 1 to 15 to the Suit proceedings by four settlement deeds. According to him Plaintiffs and Defendant Nos. 1 to 15 would not have any further grievance to maintain the Suit proceedings. In that regard he would submit that four settlement deeds have been executed by Defendant Nos. 16 to 18 with all parties. First settlement deed is with Plaintiff Nos. 11 to 14; second settlement deed is with Plaintiff Nos. 5 to 7, Respondent Nos. 3 and Respondent Nos. 12 herein; third settlement deed is with Plaintiff Nos. 7, 9, 10 and Respondent No. 11 wherein fourth settlement deed is with Plaintiff Nos. 2 to 4 and Respondent No. 10. In view of the above subsequent development and copies of the settlement deeds which are shown to me, Mr. Bhosale would submit that Petitioner be allowed to withdraw the present Petition with a direction to approach the Trial Court to take cognizance of these settlement deeds which are executed by Defendant Nos. 16 to 18 with all parties to the Suit proceedings and pass appropriate directions so that the entire *lis* between parties comes to an end. He would urge the Court to direct the learned Trial Court to consider the settlement deeds between all parties and pass appropriate order in the Suit proceedings which is pending in the Trial Court as also to vacate any interlocutory orders that will come in the way of the parties. One of the order that may

come in the way of the parties is the impugned order which grants *status quo*. This order is passed by the District Court in MCA proceedings.

5. In view of the above, request made for withdrawal of the Petition is allowed. Learned Trial Court is directed to take cognizance of the four settlement deeds and confirm that the said settlement deeds are in order and executed by Defendant Nos. 16 to 18 with all concerned parties in the suit proceedings and the parties thereto have no grievance regarding the *lis* in the Suit. Once the above issue is confirmed by all parties to the Suit before the learned Trial Court, appropriate order can be passed by the learned Trial Court in the Suit proceedings. Needless to state that judgment dated 16.04.2024 passed by the learned District Court in MCA shall not come in the way of the parties to approach the Trial Court for placing on record the settlement deeds between them so that the Suit can be compromised and settled.

6. In view of the above observations and the request made by Mr. Bhosale, Petitioners are permitted to withdraw the present Petition with liberty to approach the Trial Court and place the four settlement deeds on record. Trial Court shall hear all remaining parties and only then pass appropriate orders.

7. I am informed by Mr. Bhosale that Trial Court is at present vacant and therefore parties may encounter difficulty in placing the settlement deeds on record. In that case, if the Trial Court is vacant, the alternate Court designated to look after the work of the concerned Trial Court is directed by this Court to take immediate cognizance of a server copy of this order and issue notice to all concerned parties, hear them and only thereafter take the four settlement deeds on record and pass appropriate directions and accordingly determine the Suit proceedings.

8. Petitioners shall place a server copy of this order before the Trial Court on 29.08.2024 at 10:30 a.m. upon which learned Trial Court shall issue notice to all parties and thereafter fix the Suit for hearing and disposal on the ground of compromise. It is directed that learned Trial Court shall not delay the decision in the aforesaid Suit proceedings if it finds that the four settlement deeds are in order and shall in that event dispose of the said Suit as expeditiously as possible.

9. Liberty to apply to all parties in case of any difficulty.

10. With the above directions, present Writ Petition is disposed of as withdrawn.

[MILIND N. JADHAV, J.]