



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5417 OF 2024
DADAJI MAHADEO MANDAOKAR
VERSUS
BHUSHAN BALKRUSHNA RAMTEKE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.D. Chande, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATE : 12.09.2024

1. Heard.
2. As far as alleged fraud is concerned, it would be a matter of evidence and therefore, it cannot be entertained in this writ petition. Accordingly, it is rejected.
3. It is submitted by the learned counsel for the petitioner that to whom the defendant sold the land in dispute, was agreed upon to sell the land in favour of the petitioner. However, after the matter was withdrawn, in view of the settlement and the terms and conditions recorded in the pursis (page 52) dated 30.04.2023, between the plaintiff and the defendant, the defendant did not act upon it. The learned counsel for the petitioner fairly states that Mr. Anoop Ghate, who was supposed to execute sale deed in favour of the petitioner, was not party to the suit and he was not also a signatory before the Lok-Adalat.
4. In that view of the matter, direction to comply with the terms and conditions of the settlement between the plaintiff and the defendant cannot be granted. Accordingly, it is **dismissed**.

5. However, liberty is granted to the petitioner to file appropriate proceeding before appropriate forum, claiming relief against the defendant and Mr. Anoop Ghate, if permissible under the law.

[ANIL S. KILOR, J.]