



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

WRIT PETITION NO.6402/2023

Devkibai Shivram Durge .Vs. Nirmala @ Bhartabai Dharama Zade and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms K. Satpute (Kapse), Advocate for petitioner.
Mr. J. A. Malnas, Advocate instructed by Mr. I. M. Ghongade,
Advocate for respondent Nos. 1, 3 to 5.

CORAM : ANIL L. PANSARE, J.
DATE : NOVEMBER 14, 2024

Heard Ms K. Satpute, counsel for the petitioner and
Mr. J. A. Malnas, counsel for respondent Nos. 1 and 3 to 5.
None appears for the respondent No.2 though served.

The petition arises out of award dated 12.12.2015
passed by Panel of Lok Nyayalaya, Rajura, recording
compromise in a suit seeking partition of the suit properties.
The petitioner was defendant No.2 in the suit. She has come up
with a case that the suit summons was never served upon her.
She further submits that she is not signatory to compromise.
Accordingly, the counsel for the petitioner argued that other
parties to the suit have obtained order by playing fraud.

Counsel for respondents failed to show any material,
contrary to what has been submitted by the petitioner; rather,
the counsel admits that the petitioner is not signatory to the
compromise.

It is, thus, obvious that the respondents therein have
obtained order by playing fraud upon the Court. Hence, the

award dated 12.12.2015 passed by the Panel of Lok Nyayalaya, Rajura in Regular Civil Suit No.53/2015 as also compromise decree dated 12.12.2015 is quashed and set aside. The respondents shall pay costs of Rs.10,000/- each to the petitioner within four weeks from today.

The writ petition is disposed of in the above terms.
No order as to costs.

(Anil L. Pansare, J.)

Kahale