

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8196 OF 2020

Anusayabai w/o Malba Bandkhadke
Age : 60 years, Occu : Agril & Household,
R/o Nandgaon, Tq. Mukhed,
Dist. Nanded

...Petitioner

VERSUS

1. Dhondyabai w/o Balaji Shrirame
Age : 50 Years, Occu : Agril and Household,
R/o Kotgyal, Near Mukhed,
Revenue Circle : Jamp, Tq. Mukhed,
Dist. Nanded
2. Deubai w/o Parmeshwar Kokate
Age : 40 years, Occu : Agril and Household,
R/o Kotgyal, Near Mukhed,
Revenue Circle : Jamp, Tq. Mukhed,
Dist. Nanded
3. Padminbai Maroti Bandkhadke
Age 40 years, Occ-Household
4. Balaji Maroti Bandkhadke
Age 50 years, Occ-Agri
5. Santosh Maroti Bandkhadke
Age 50 years, Occ-Agri
6. Madhavrao Maroti Bandkhadke
Age 50 years, Occ-Agri
7. Ramchandra Maroti Bandkhadke
Age 32 years, Occ-Agri
8. Murli s/o Punda Bandkhadke
Age 65 years, Occ-Agri

All Respondent no.3 to 8 R/o:
Nandgaon, Post- Mugaon
Tq. Mukhed, Dist. Nanded

9. Sow. Nandabai Shivaji Shrirame
Age 35 years, Occ-Agri & Household
R/o: Salgara Bk.
Tq. Mukhed, Dist. Nanded ...Respondents

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Mr. M. D. Narwadkar, Advocate for the Petitioner
Mr. S. R. Bagal h/f. Mr. B. N. Gadegaonkar, Advocate for Respondent
Nos.3 to 9

...

CORAM : ROHIT W. JOSHI, J.

DATED : 30th JULY 2025

ORAL JUDGMENT :-

1. The petitioner and respondent nos.1 and 2 are plaintiffs and defendants respectively in Regular Civil Suit No.9 of 2019 which was pending on the file of the Civil Judge Junior Division, Naigaon Bz.

2. The plaintiff and defendants entered into settlement of the dispute before the Lok Adalat on 13.07.2019, however, the Lok Adalat refused to dispose of the suit in terms of settlement on the ground that earlier an application for impleadment under Order I Rule 10 (2) of the Civil Procedure Code filed by respondent nos.3 to 9 was allowed by the learned Trial Court and they were not parties to the settlement. The learned Counsel for the petitioner/plaintiff contends that the learned Trial Court had allowed the application for impleadment vide order dated 26.03.2019 and had directed the proposed defendants to carry out necessary amendment in the plaint.

He points out that since the proposed defendant did not carry out the amendment, their right be impleaded was forfeited by subsequent order dated 24.06.2019. The learned Advcoate therefore contends that the Lok Adalat was at error in not disposing of the suit in terms of settlement on the ground that the intending defendants were not parties to the settlement. His contention is that order dated 24.06.2019 is not considered by the Lok Adalat. In the alternative, the learned advocate contends that in any case the suit should have been kept pending for adjudication on merits.

3. Technically, the contention of the learned Advocate for the petitioner is sound. However, the petition of intending defendants being Writ Petition No.10239 of 2022 against order dated 24.06.2019 is allowed today by a separate order. In view of the aforesaid, the suit cannot be allowed to be disposed of on compromise terms arrived at between plaintiff and defendant nos.1 and 2. It needs to be mentioned that plaintiff and defendant nos.1 and 2 are close relatives and the intending defendants are questioning ownership of the plaintiff and defendants over the suit property.

4. In that view of the matter, this Court does not deem it appropriate to interfere with the order dated 13.07.2019 to the extent the Lok Adalat has refused to dispose of the suit in terms of

settlement. However, the suit will have to be restored to the file for adjudication of the same on merits. Hence the following Order :

O R D E R

- i. Writ Petition is **partly allowed**.
- ii. Award dated 13.07.2019 below Exhibit-21 passed by Panel of the Lokadalat at Naigaon and Order dated 13.07.2019 below 'Exhibit-1' passed by Head of Panel of Lok Adalat and Civil Judge, Junior Division, Naigaon in Regular Civil Suit No.9 of 2019 are quashed to the extent it disposes of the suit without further adjudication.
- iii. Regular Civil Suit No. 09 of 19 is restored to the file.
- iv. Parties are directed to appear before the Learned Trial Court on 18.08.2025.

[ROHIT W. JOSHI, J.]