



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

118 WRIT PETITION NO. 1510 OF 2023

JALINDAR KISAN KANGUDE AND OTHERS
VERSUS
GANGADHAR KISAN KANGUDE DEAD THROUGH LRS LATIKABAI
GANGADHAR AND OTHERS

...
Advocate for the Petitioners : Mr. Patekar Narendra B
Advocate for Respondent No. 6 : Mr. Ostwal Abhaykumar Dilip and
Advocate for Respondent Nos. 4 to 6: Mr.Bhosale Mahesh Kalidas
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 15.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of the present petition, the petitioners are assailing the order dated 20.01.2022 passed below Exhibit 19 by the District Judge, Ahmednagar, in Regular Civil Appeal No. 64 of 2018, whereby the application filed by respondent Nos. 4, 5 and 6 for adding them as party respondent in the appeal came to be allowed.
3. Learned Counsel for the petitioner brought my attention to page No. 61 of the petition wherein, the genealogy of the petitioner is mentioned. The petitioners belong to the branch of Kisan and the respondent Nos. 4, 5 and 6 belong to the branch of Dattatraya. He further submits that petitioners filed the application when the original appellants and original respondents had decided to settle the matter and

filed compromise.

4. I have gone through the order passed by the learned appellate Court and the compromise filed by the original appellants and original respondents. It is settled position of law that the compromise binds only the parties who entered into it. Therefore, the appellate Court ought not to have entertained the application filed by the third party. The original appellants and respondents are entitled to settle the matter between them and the appellate Court ought to have permitted the same.

5. Therefore, I am inclined to allow the present petition by setting aside the order under challenge.

6. In view thereof, the Writ Petition is allowed. The order dated 20.01.2022 passed below Exhibit 19 by the District Judge, Ahmednagar, in Regular Civil Appeal No. 64 of 2018 is quashed and set aside.

7. It is made clear that the respondent Nos. 4, 5 and 6/third parties may avail remedy by filing a separate Civil Suit for claiming their shares in the property.

(SIDDHESHWAR S. THOMBRE, J.)