

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.155 OF 2017
WITH
CIVIL APPLICATION NO.365 OF 2017
WITH
INTERIM APPLICATION NO.3477 OF 2025
IN
SECOND APPEAL NO.155 OF 2017**

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Namdeo Jayjayram Budhavale ... Appellant
V/s.
Bhamatai Rangrao Bhudhavale & Ors. ... Respondents

Mr. Ramdas A. Shelke for the appellants.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : SEPTEMBER 23, 2025

P.C.:

1. On 7th May 2025, learned advocate appearing for appellant tendered consent terms. Same were taken on record and marked as Exhibit-X for identification. This Court further directed that consent terms be placed before the Registrar (Judicial – II) for verification and called for a report as to whether terms are explained to plaintiff Nos. 2 and 3, and whether they have agreed to relinquish their right of partition decree without any consideration.

2. In pursuance of the aforesaid directions, parties presented

themselves before the Registrar (Judicial – II), who read over and explained consent terms to them in vernacular language. They have admitted recitals of consent terms as well as their signatures / thumb impressions on original consent terms. Consent terms were voluntarily signed by parties. The Registrar has accordingly reported that the parties have fairly and firmly accepted that they have genuinely compromised the dispute, and that respondent Nos. 2 and 3, i.e., Sunita Govind Jadhav and Rekha Dadasaheb Naik, have relinquished their right of partition in the suit property without any consideration. The Registrar further reported that consent terms are within parameters of Order XXIII Rule 3 of the Civil Procedure Code, 1908. Report of Registrar also indicates that respondent No.4 – Rangrao Rajaram Bhudhavale, was present before him and affirmed the aforesaid settlement.

3. In that view of the matter, second appeal stands disposed of in terms of consent terms marked as Exhibit – X for identification.
4. The decree under appeal be modified accordingly.
5. In view of disposal of second appeal, all pending interlocutory applications stand disposed of.

(S. G. CHAPALGAONKAR, J.)