



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

SECOND APPEAL NO. 302 OF 2010

(Gangadhar S/o Laxmanrao Barbate (died) through LRs vs. Madhaoji S/o Nanaji Patel (since deceased through LRs) and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. S.L. Kotwal Advocate for petitioner.
Mr. S.T. Madnani, Advocate for respondent No.1(ii), 1(iii)(a) & 1(iv).
Mr. N.H. Shams, Advocate for respondent No.2(ii) and 2(iv).

CORAM : ROHIT W. JOSHI, J.
DECEMBER 24, 2025

CIVIL APPLICATION (S) NOS.1263 OF 2025 & 1271 OF 2025

- 1) These are applications for grant of permission to delete the names of respondent No.2(i) to 2(v) and 3(a) and for passing compromise decree.
- 2) This Court has perused the judgment delivered by the learned Trial Court. The judgment indicates that the respondent Nos.2 and 3 who are the original defendant Nos.2 and 3 did not contest the suit. In fact the Written Statement of the defendant Nos.2 and 3 is of admission of the claim of the plaintiff. The controversy is that the plaintiff had entered into an agreement of sale with respect to the suit property with the defendant Nos.2 and 3. The defendant No.1 opposed the said transaction. The defendant No.1 alone was contesting respondent. The suit was dismissed by the learned Trial Court. The plaintiff (present appellant) preferred Regular Civil Appeal, which came to be allowed by the learned First Appellate Court. The respondent Nos.2 and 3 do not enter their appearance in the appeal, as it appears from the judgment passed by the learned First Appellate

Court. It is clear from the record that rights of respondent No.2(i) to 2(v) and 3(a) are not adversely affected by the compromise.

3) Harpreet Singh, son of deceased respondent No.2, who is arrayed as respondent No.2(v) is personally present before the Court and states that he and respondent No.2(i) to 2(iv) do not have objection for deletion of their names from the array of parties and also for recording compromise and passing compromise decree in terms of compromise terms presented by the appellant and respondent No.1.

4) In view of above, permission is granted to delete the names of respondent No.2(i) to 2(v) and 3(a) from the array of parties.

5) The compromise terms are verified by the learned Registrar(J), who has submitted report dated 19/12/2025 stating that the parties have admitted execution of the compromise terms and contents thereof. In view thereof, the Second Appeal is disposed of in accordance with the terms and conditions enumerated in paragraph 4(i) to 4(vi) in Civil Application (S) No.1271/2025.

6) The terms and conditions of settlement shall form part and parcel of the decree.

7) Office to incorporate settlement terms enumerated in paragraph 4(i) to 4(vi) in Civil Application (s) No.1271/2025 in the decree.

(ROHIT W. JOSHI, J.)