

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

CIVIL APPLICATION (CAS) NO.935 OF 2024 IN
SECOND APPEAL NO.82 OF 2022

Shaligram Shioram Gajghane and others

Vs.

Smt. Shantabai Wd/o Atmaram Gajghane and others

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

Court's or Judge's orders.

Shri N.A. Gaikwad, Advocate for appellants.
Shri A.M. Tirukh, Advocate for respondents.

CORAM : M.W. CHANDWANI, J.
DATE : 12.02.2025.

1. On oral motion, the counsel for the appellants is permitted to delete the name of appellant no.5 since her legal heirs are already on record as appellant nos.1 to 4. Death certificate of appellant no.5 is placed on record. Amendment be carried out forthwith.

2. By this joint application, the parties are seeking compromise decree under Order XXIII Rule 3 of the Code of Civil Procedure, 1908.

3. Appellant nos.1 to 4, 6, 7 and 9 are present in the Court and they admit the execution of the settlement agreement. Name of appellant no.5 is deleted. Appellant no.8-Arun Pralhad Dhandar has already signed the application for joint compromise. Respondent nos.1 and 2 are present and they also admit the execution of the agreement and terms mentioned therein.

4. In view of settlement arrived at between the parties to the appeal, the judgment and decree passed in Regular Civil Suit no.5 of 2000 dated 26.09.2011 by the learned Joint Civil Judge Junior Division, Shegaon which was confirmed by the learned District Judge-1, Khamgaon in Regular Civil Appeal no.78 of 2011 dated 21.10.2021 are set aside. Decree be drawn under Order XXIII Rule 3 of the Code of Civil Procedure as per terms mentioned in the application. The application stands disposed of.

5. Consequently, the second appeal stands disposed of.

JUDGE

Wagh