2026:BHC-AUG:53875

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1665 OF 2019

Sudhakar Bhika Bhavsar,
Age : 79 Years, Occ. Retired,
r/o. Dondaicha, Taluka Sindhkheda,
Dist. Dhule and others ..Appellants

Vs.

Sau. Jayshree Rajesh Devtalu,
AGE :52 Years, Occ. Household,
r/o. Jingarpura, Near Polaves,
Nandura, Tq. Tandura,
Dist. Buldhana and others ..Respondents

Mr.A.R.Syed, Advocate h/f. Mr.Sushil P. Pandit, Advocate for appellants

Mr.Ranbir Chhabda, Advocate for respondent nos.1, 20 and 21

Mr.S.B.Kendre, Advocate h/f. Mr.R.P.Adgaonkar, Advocate for respondent no.29

AND
CIVIL APPLICATION NO.8452 OF 2026
IN
FIRST APPEAL NO.1665 OF 2019

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CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 29, 2026

ORDER :-

Respondent no.1 had instituted a suit against her siblings for partition and separate possession. The parties to whom the joint

family properties were contended to have been sold out were also made party defendants to the suit. After due trial, the trial court vide judgment and decree 10.01.2019 ordered the suit to be decreed partly. The plaintiff was held entitled for 1/7th share in the joint family properties.

2. Except the present appellants, nobody challenged the said decree. During pendency of the appeal, the appellants as also the respondent nos.1 (plaintiff) and respondent no.29 entered into an amicable settlement. They prepared the compromise purshis and prayed this court to record the compromise and to modify the decree in those terms.

3. The parties were referred to learned Registrar (Judicial) for verification. The report of learned Registrar (Judicial) is before this court. The parties were identified with following observations:-

> *6. The appellant No. 2 respondent No.3 (for himself and as constituted attorney of appellant No. 1, 3 and respondent No. 6) and respondent No.1 and 29 have submitted today the compromise pursis. Contents of the compromise pursis are read over and explained to them. They admit their signatures. They also admit the contents of compromise pursis as true and correct.*

7. Hence I submit this report as to identification of parties and verification of compromise pursis of settlement submitted with respect.

Note:

1. Respondent No. 4 and 5 are present but have not signed the terms of compromise pursis.

2. Respondent No. 7 to 28 are absent and have not signed the terms of compromise pursis.

4. Today, when the matter is taken up, learned advocate for the appellants, learned Advocate for respondent nos.1, 20 and 21 and learned advocate for respondent no.29 submit that in terms of the compromise and particularly as per paragraph 4 of the compromise purshis, the appellant has given up his properties mentioned in the said paragraph to respondent nos.1 and 29. Suffice it to note, respondent no.1 is plaintiff.

5. It is candidly submitted by learned advocates for the appellant and respondent no.1 and respondent no.29 that recording of this compromise shall not affect the right of any party to the suit. From the record, it reveals that although notices were served to other respondents nobody has caused appearance till this date.

6. Mr.Ranbir Chhabda, learned advocate for respondent no.1/plaintiff would additionally submit that in view of the compromise, in fact, the plaintiff is waiving all her rights against her father and siblings. Thus, it appears that by virtue of the settlement, the appellant no.1 only has given up his every interest in his own properties to respondent no.1 and respondent no.29.

7. In view of the above, the First Appeal stands partly decreed in terms of paragraph 4 of the compromise purshis. Decree be drawn accordingly.

8. In view of disposal of the First Appeal, pending Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]

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KBP