



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

WRIT PETITION NO. 3791 OF 2026

RATIRAM S/O. GANESH DHOTE AND ORS.
VS
SHRI. SHRIKANT S/O. DINKAR UGLE AND ORS.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Ayush R. Aole, Advocate for petitioners.
Mr. Makrand Rajkondawar, Advocate for respondent Nos.1 to
3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 05.05.2026

Heard learned counsel for the petitioners.

2. Issue notice to the respondents.
3. Mr. Rajkondawar, appears on behalf of all the respondents.
4. By this petition, the petitioners have challenged the order dated 24.03.2026 passed by the Mediator of Court No.3, attached to the Civil Judge Junior Division, Kamptee, District – Nagpur, by which the Mediator has given a report mentioning therein that the suit itself is not maintainable and hence, the same cannot be compromised. By this report, the Mediator has directed

the parties to satisfy about the maintainability of their claims and then seek for compromise.

5. Learned counsel for the petitioners as well as respondents submit that the parties have, in fact, submitted the terms of compromise in the Regular Civil Suit No.29/2026, which was pending before the Court of Civil Judge Junior Division, Kamptee. It is pointed out that in terms of an application under Order XXIII Rule 3 of the Code of Civil Procedure, the matter was required to be compromised and therefore, it was sent to the Mediator. Instead of recording the compromise pursis, the impugned order came to be passed.

6. Learned counsel for the petitioners as well as the respondents state that that now also the parties desire to get the suit compromised on the same terms which are stated in the said application.

7. In view of this, it is clear that the report dated 24.03.2026 submitted by the Madiator of the Kamptee Court is unsustainable and deserves to be quashed and set aside.

8. Accordingly, the writ petition is disposed of with a direction to the parties to appear before the trial Court on the next date. The trial Court is directed to decide and adjudicate the application under Order XXIII

Rule 3 of the Code of Civil Procedure at Exhibit 10 in Regular Civil Suit No.29/2026 at the earliest, without referring the matter to Mediator.

9. In view of this, the writ petition is disposed of.
No order as to costs.

(Prafulla S. Khubalkar, J.)