

IN THE COURT OF 8th JOINT CIVIL JUDGE, SENIOR DIVISION, PUNE

Spl. Civil Suit No. 593/2016.

Shrikant Maruti Bhote & Others

... Plaintiffs.

V/s.

Shri. Namdev Savleram Dabhade & Others

... Defendants.

ORDER BELOW EXH.1

1. The matter was referred to Mediator Judge, Smt. D. P. Kaduskar, 14th Jt.C.J.S.D,Pune. She reported that, the matter is settled. Her report is at Exh.33.

2. Both parties filed consent terms by way of pursis vide Exh.29 thereby stating that, they have settled the matter as per terms and conditions mentioned therein.

3. After the receipt of report of Mediator Judge, plaintiffs along-with their advocate Shri. V. N. Abhyankar, defendant no. 1 gave power of attorney to defendant no. 2. For the purpose of identification the power of attorney is marked as "X" in this matter. The learned advocate Shri. V.S.Salunkhe, for defendant no. 2 present. Similarly, defendant no. 3 present in person along-with her advocate Shri. Prashant Dabhade.

4. When asked to both parties, they have ratified the matter & contents mentioned in consent terms which is at vide at Exh.29.

5. In the present matter, plaintiff sold the suit property admeasuring to 22 R mentioned in plaint para no. 1-B to defendant no. 1 by way of sale deed dated 14/09/2012.

6. Thereafter, defendant no. 1 sold 11 R out of the said suit property no. 1-B to defendant no. 2 by way of sale deed. In that sale deed, the description of the property was wrongly mentioned. It included the property belonging to plaintiff and there was an attempt of encroachment. Therefore, the plaintiff was constrained to file the present suit for declaration.

7. During the pendency of the present matter, the matter came to be compromise by way of Exh. 29. The defendant no. 1 executed a correction deed in respect of the boundaries of the area given in sale of 11 R land out of suit property no. 1-B to defendant no. 2 on 22/12/2016. The defendant no. 3 is the adjoining owner of defendant no. 2. She has filed pursis vide Exh.28 thereby accepted and indicated her no objection to the compromise arrived by plaintiff and defendant no. 1 & 2.

8. As, the parties and their advocates ratified the contents mentioned in their compromise consent terms at Exh.29. They have settled their matter amicably. There is no hurdle in accepting the consent terms as it is. In view of this, the following order.

O R D E R

1. It is hereby declared that, the boundaries of 11 R area of land in Gat no. 191, Village Parandhwadi, within the limits of Panchayat Samiti Maival, Zilla Parishad, Pune mentioned in the

sale deed dated 21/01/2014 executed between defendant no. 1 & 2, registered at Sub-Registrar Maval, at serial no. 330/2014 is incorrect and not binding upon the plaintiffs.

2. It is hereby declared that, the boundaries of 11 R area of land in Gat no. 191, Village Parandhwadi, within the limits of Panchayat Samiti Maval, Zilla Parishad, Pune mentioned in the correction deed dated 22/12/2016 executed between defendant no. 1 & 2, registered at Sub-Registrar Maval, at serial no. 7511/2016 is correct and proper.
3. It is hereby declared that, the boundaries of 11 R area of land in Gat no. 191, Village Parandhwadi, within the limits of Panchayat Samiti Maval, Zilla Parishad, Pune mentioned in the correction deed dated 22/12/2016 executed between defendant no. 1 & 2, registered at Sub-Registrar Maval, at serial no. 7511/2016 is compounded with wire and cement poles is in possession of defendant no. 2.
4. The suit is disposed off as compromised in view of consent terms by way of pursis at Exh.29.
5. Court Fee may be refunded as per rules.
6. Decree be drawn up accordingly. The consent terms by way of pursis at Exh.29 be treated as part and parcel of the said decree.

Place :- Pune

Date :- 22nd November, 2017.

Sd/-xxx

(M. M. Rao)

8th Joint Civil Judge, S.D. Pune.

Certificate

“ I affirms that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno :- Mr. B.M.Salve

Court Name :- Shri. M.M.Rao

6th Jt.C.J.S.D.Pune.

Date :- 22/11/2017.

Judgment signed by presiding officer on :- 22/11/2017.

Judgment uploaded on :- 23/11/2017.