

: ORDER BELOW EX.1 IN REGULAR CIVIL APPEAL No.108/2019 :

1. On 15/06/2019, Ld. Advocate Mr.S.R. Godia for the appellants and Ld. Advocate Mr.Y.M. Pathan for the respondent Nos.1 to 3 and Ld. Advocate Mr.V.S. Goswami for the respondent No.4 have remained present along with the respective parties and made request to the concerned court that the matter is settled amicably between the parties with the positive attempt and therefore, the matter be placed before Lok-Adalat scheduled to take place on 13/07/2019. On 15/06/2019, Ld. Advocate Mr.S.R. Godia for the appellants and Ld. Advocate Mr.Y.M. Pathan for the respondent Nos.1 to 3 and Ld. Advocate Mr.V.S. Goswami for the respondent No.4 have jointly submitted the application at Ex.9 requesting to place the matter before the Lok-Adalat scheduled to be held on 13/07/2019 and the said application has been allowed by the concerned court and the matter is placed before today's Lok-Adalat accordingly.
2. The parties have placed on record the settlement deed (karardad) pursuant to the settlement arrived at between them vide Ex.8. The settlement deed is signed by the appellant No.1 – Kashiben Shanabhai Mali, appellant No.2 – Ganpatbhai Shanabhai Mali, appellant No.3 – Bachiben Shanibhai Mali, appellant No.4 – Shankerbhai Shanabhai Mali and appellant No.5 – Govindbhai Shanabhai Mali in their personal capacity as well as by Ld. Advocate

Mr.S.R. Godia for the appellants. It appears from the cause title of the appeal that, the appellant Nos.1 to 5 are shown to be the heirs and legal representatives of the deceased Shanabhai Lallubhai Mali (Original Appellant). The settlement deed is also signed by the Ld. Advocate Mr.Y.M. Pathan on behalf of respondent Nos.1 to 3 and Ld. Advocate Mr.V.S. Goswami on behalf of respondent No.4.

3. Today, the parties are present. The appellants are identified by their respective Advocate and they have also placed on record the copies of Election Card of appellant No.1 and appellant No.2, Pan Card of appellant No.3 and appellant No.5 and Aadhar card of appellant No.4 in support of their identity proof. The terms and conditions of the settlement deed are read over to the parties and they have accepted and admitted the terms and conditions of the settlement deed. They have also declared that the settlement is arrived at between them with their free consent and Will. Ld. Advocates for the respective parties are also present and they have confirmed the terms and conditions of the settlement deed and they have declared that the settlement deed is executed between the parties as per the amicable settlement arrived at between them at their free Will and consent. The settlement deed is also signed by the Ld. Advocate Mr.S.R. Godia for the appellants and Ld. Advocate Mr.Y.M. Pathan for the respondent Nos.1 to 3 and Ld. Advocate Mr.V.S. Goswami for the respondent No.4.

4. On being satisfied that the terms and conditions of the settlement deed (karardad) are accepted and admitted by the parties and they are agreeable to act in accordance with the terms and conditions of the said settlement deed (Karardad), the settlement deed (Karardad) is ordered to be recorded.
5. Having regard to the aforesaid and considering the scope of settlement in context of O-23, R-3 of C.P.C, this appeal is required to be disposed of in terms of settlement deed at Ex.8 and therefore, I pass the following order :

ORDER

- This appeal stands disposed of in terms of settlement deed at Ex.8 executed between the parties and placed on record in today's Lok-Adalat i.e on 13/07/2019.
- The decree be drawn in terms of settlement executed between the parties and placed on record in terms of today's Lok-Adalat accordingly.
- The decree passed by the Ld. Trial Court stands merged in the decree which shall be drawn in terms of settlement deed (Karardad) executed between the parties and placed on record at Ex.8 in Today's Lok-Adalat.

- The parties shall abide by the terms and conditions of the settlement deed at Ex.8.
- It goes without saying that the terms and conditions of the settlement are confined to the parties to this appeal.
- R & P be sent back to the concerned Trial Court with the copy of this order.

Pronounced in the today's Lok Adalat

on this 13th Day of the month of July, 2019.

Date : 13/07/2019

Vadodara.

(Kamal Mohanlal Sojitra)

Additional District Judge,
Vadodara.

Code No.GJ01494

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