

MHND100018602022



ORDER BELOW EXHIBIT 01 IN R.C.S. No.285/2022

Sanket Vs.Sanjay

18/10/2022

Needless to mention that plaintiffs come up with the present suit for partition and possession in respect of field Gat No.191, total admeasuring 3.22 H.R., out of which 60-R field, situated at village Shiradhon, Taluka Kandhar, claiming their ancestral property, wherein, defendants appeared alongwith plaintiffs and expressed their willingness to refer the matter for mediation. It is, therefore, vide order Exh.19, parties to the suit were referred to the Hon'ble Trained Judge/Mediator for amicable settlement on 12/10/2022. The Hon'ble Trained Judge/Mediator filed his report at Exh.10 from which it appears that the parties to the suit have settled their dispute amicably on the terms and conditions mentioned in the compromise memo which is affixed to Mediation report at Exh.11.

From the record, it appears that initially, Vandana, being guardian of Sanket and Shivam did not obtain permission to compromise the suit on their behalf. Therefore, lateron, 17/10/22, plaintiff Vandana appeared and filed application at Exh.14 to permit her to enter into the compromise on behalf of minor plaintiffs Sanket and Shivam. The said application is attached with the certificate issued by the learned Advocate for the plaintiff which is at Exh.16, which shows that the said compromise is in beneficial to the minor plaintiffs Sanket and Shivam. It is, thus, when the compromise memo at Exh.11 is looked upon, it appears that interest of minor

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plaintiffs, namely, Sanket and Shivam is not going to be prejudiced due to such compromise. Therefore, plaintiff Vandana is permitted to enter into the compromise with the defendant on behalf of minor plaintiffs Sanket and Shivam.

It is, thus, after going through aforesaid discussion and compromise memo, Exh.11, it appears that defendants have relinquished their interest in the suit property in favour of plaintiffs equally. It is, thus, plaintiffs have acquired 20-R land, each, in the suit field. Thus, from the record, there is no dispute remained which required for adjudication by the Court. I, therefore, proceed to pass following order.

ORDER

- 1- The suit stands disposed of in view of mediation report Exh.10 and in terms of compromise memo, Exh.11.
- 2- Compromise memo Exh.11 shall be part and parcel of decree.
- 3- Compromise decree be drawn accordingly.
- 4- 100 percent court fees be refunded to the plaintiffs.

Date : 18/10/2022.

(P.D.Azade)
2nd Joint Civil Judge Junior Division,
Kandhar.

CERTIFICATE

I affirm that the contents of this P. D.F file judgment are same word to word, as per the original Judgment.

Name of the Stenographer	:- U.L.Sadhu
Court Name	:- In the Court of 2 nd Jt CJJD, and JMFC Kandhar
Date	:- 18/10/2022
Judgment signed by the presiding officer on	:- 18/10/2022
Judgment uploaded on	:- 18/10/2022