

RCS No. 121/2010
Punjabai Vs- Pandit and others
CNRNO.MHJN020003432022

ORDER BELOW EXH.1.

1. The present suit is filed for partition, separate possession and declaration and permanent injunction. The suit property is situated at Mauje Indewadi Tq. Dist. Jalna Gat No. 74 area 5 acre out of total area 7 H. 61 R. The plaintiff No. 1 Punjabai is mother of plaintiff No.2 Babanbai, plaintiff No. 3 Chayabai, defendant No. 1 Pandit and defendant No.2 Prabhakar. Thus the plaintiff No. 1 to 3 and defendant No. 1 and 2 have blood relations. The plaintiff have claimed partition and separate possession in suit property. They have also claimed the relief of declaration that the registered sale deed bearing No. 3390/1995 declared as null and void on ground that it was executed without permission and consent of them.
2. The suit is more than 10 years old and transferred to this Court in month of July 2024. For the first time the matter was on the board of this Court on 26-07-2024 and on same date the pursis was filed before the Court to keep the matter for compromise before Lokadalat. The matter was kept for Lokadalat but it was not compromised. The compromise talks were going on between the parties. Therefore the matter was referred to mediation for amicable settlement. Accordingly the report is filed at Exh. 159. The dispute is amicably settled between plaintiff No. 1 to 3 and defendant No. 1, 2, 3, 4-A, 4-B, 8, 9 and 10 as per the compromise memo filed at Exh. 158. The compromise memo is duly signed by both parties and their advocates.
3. As per the compromise memo the suit is compromised partially between plaintiffs and defendant No. 1, 2, 3, 4-A, 4-B, 8, 9

and 10. It is specifically mentioned in compromise memo by plaintiffs that they does not want to proceed with the suit against defendant No. 3, 4-A, 4-B, 8, 9 and 10. Therefore the compromise memo at Exh. 158 is treated as part and parcel of this order. The plaintiff wants to proceed with the suit against defendant No. 1 and 2 as suit is filed for partition and separate possession of suit property. The plaintiffs also wants to proceed with the suit against defendant No. 5, 6, 7, 11 and 12 in respect of other reliefs and contention claimed in the plaint. Thus the suit is partially compromised. Hence I pass following order.

ORDER

1. R.C.S. No.121/2010 is disposed of against defendant No. 3, 4-A, 4-B, 8, 9 and 10 as settled through mediation process.
2. Permission is granted to plaintiffs to withdraw the suit against defendant No.3, 4-A, 4-B, 8, 9 and 10 as per Order 23 Rule 1 (1) of C.P.C.
3. Interim orders, if any passed against defendant No. 3, 4-A, 4-B, 8, 9 and 10 stand vacated.
4. The compromise memo at Exh.158 be treated as part and parcel of this order.
5. Partial Decree be drawn up accordingly.
6. The suit will proceed further against defendant No. 1, 2, 5, 6, 7, 11 and 12.

Date : 09-10-2024.

(Smt. D. M. Shinde)
5th Jt. C.J.S.D, Jalna