

	<p style="text-align: center;">Order below Exh. 01, In R.C.S. No. 421 Of 2025 (Passed on 29th day of August, 2025) Hanmant Vrs. Magdum CNR.NO. MHLA060015762025</p>
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1. Perused record, more particularly, compromise memo (Exh.12), compromise is effected in between the parties cited therein. I have carefully perused the record, more particularly the compromise memo (Exh.12). It appears that a compromise has been arrived at between the parties mentioned therein. It is settled law that the Court is empowered to pass a decree in terms of compromise, provided such compromise constitutes a lawful agreement.

02. In the present suit, it is noted that the defendant, who belongs to the Muslim community, has purported to execute a *Hibba* in favour of the plaintiff, who belongs to the Hindu community. However, the learned advocate for the plaintiff has not demonstrated as to how such transaction satisfies the requirements of a lawful agreement enforceable in law.

03. Further, from the record it is observed that the defendant, by way of the said *Hibba*, has attempted to transfer land situated at Hadolti, Tq. Ahmedpur, from Gat No.147/2, admeasuring 0 H 51 R. Out of the said land, the defendant seeks to transfer 0 H 06 R to the plaintiff.

04. It is pertinent to note that the said transfer is hit by the provisions of the *Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947*. The area sought to be transferred, i.e., 0 H 06 R, falls below the prescribed standard area, and therefore constitutes a prohibited transaction under the Act.

05. In view of the above circumstances, the compromise arrived at between the parties cannot be termed as a lawful agreement. The terms and conditions contained therein are void and unenforceable. Accordingly, the compromise memo (Exh.12) cannot be acted upon, and no decree can be passed on the basis of such an arrangement. In these circumstances, it is not legal agreement. Hence, I proceed to pass following order.

ORDER

The compromise memo (Exh.12) is hereby rejected.

Place :- Ahmedpur,

Date :- 29.08.2025.

2nd Joint Civil Judge (Jr.Dn.)
Ahmedpur.