

MHNG080006022025



Order Below Exh. 18

The plaintiff and defendant prayed for permission under Order XXIII Rule 3 of Code of Civil Procedure.

2. According to the plaintiff and defendant on 08.07.2025 they have arrived at settlement. They want to bring settlement agreement by mutual consent. Both parties filed their deed of mutual understanding dated 08.07.2025 below list Exh.20.

3. Read application, heard learned Advocates for respective parties and perused record. It shows that suit for declaration and perpetual injunction is filed for suit property in which parties arrived at settlement. Mutual deed of understanding is kept on record and marked it as Exh.33.

4. Section 34 of Specific Relief Act deals with discretion of court as to declaration of status or right. Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief.

5. While section 35 of Specific Relief Act deals with effect of declaratory decree passed by the court in between the parties and their legal representative. Though the mutual understanding agreement was signed on 08.07.2025 which is filed before this court on 09.07.2025 below list Exh.20. Order XXIII Rule 3 of Code of Civil Procedure deals with Compromise of suit. Where it is proved to the satisfaction of the Court that

a suit has been adjusted wholly or in part by any lawful agreement or compromise, 595 in writing and signed by the parties or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject-matter of the suit, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith 596 so far as it relates to the parties to the suit, whether or not the subject-matter of the agreement, compromise or satisfaction is the same as the subject-matter of the suit.

6. Provided that where it is alleged by one party and denied by the other that an adjustment or satisfaction has been arrived at, the Court shall decide the question; but no adjournment shall be granted for the purpose of deciding the question, unless the Court, for reasons to be recorded, thinks fit to grant such adjournment. This court verified as to whether the plaintiff and the defendant arrived and settlement without coercion or undue advantage. Hence, I pass following order.

Order

1. Application is allowed.
2. Permission is granted to withdraw/settle the dispute in between the plaintiff and the defendant.
3. Mutual deed of settlement Exh.33 shall be part and parcel of the decree.
4. Suit is disposed off to the extent of defendant Priti Co-operative Housing Society.
5. Cost in cause.

sd/-

Place : Kamptee.
Dt:- 19/07/2025

(Q.R. Syed)
2nd Jt. Civil Judge Junior Division
Kamptee.

ENDORSEMENT

Case argued on	:	19/07/2025
Order dictated on	:	19/07/2025
Transcription ready on	:	19/07/2025
Order checked and signed on	:	19/07/2025

CERTIFICATE

I affirm that the contents of this P.D.F. File are same word to word as per original Order.

Name of Steno

:- Vrushabh Wanjari