


MHRG010002942017	 	Presented on	: 31/01/2017
		Registered on	: 31/01/2017
		Decided on	: 13/04/2026
		Duration	: Y M D 09 02 13

**BEFORE THE PRINCIPAL DISTRICT JUDGE, RAIGAD-ALIBAG**  
Presided over by R. D. Sawant

**Reg. Civil Appeal No. 14/2017**  
**Exhibit No.: 56**

**Shri. Santosh Kamlakar Janjirkar,** )  
Age :- 39 Yrs., Occu.:- Agriculture, )  
R/o. Subhashchandra Road,Murud )... Appellant  
Tal.- Murud, Dist.- Raigad ) (Ori. Plaintiff)

**V/s.**

1. **Narendra Dattatray Janjirkar,** )  
Age :- 46 Yrs., Occu.:- Agriculture, )
2. **Nivas Dattatray Janjirkar,** )  
Age :- 44 Yrs., Occu.:- Agriculture, )
3. **Nutan Dattatray Janjirkar,** )  
Age :- 43 Yrs.,Occu.-Housewife, )
4. **Jayashri Dattatray Janjirkar,** )  
Age :- 42 Yrs.,Occu.-Housewife, )  
No. 1 to 4 R/o. Shivkrupa Building )  
Ganesh Ali, Tal.Murud,Dist.Raigad )
5. **Pratibha Sundar Janjirkar,** )  
Age :- 69 Yrs.,Occu.-Housewife, )
6. **Avinash Sundar Janjirkar,** )  
Age :- 52 Yrs.,Occu.-Agriculture, )  
No. 5 & 6 R/o. Murud-Janjira, )  
Tal. Murud, Dist. Raigad. )

7. **Pravin Sunder Janjirkar,** )  
Age :- 45 Yrs.,Occu.-Agriculture, )
8. **Alka Haresh Kantak,** )  
Age :- 42 Yrs.,Occu.-Housewife, )  
No. 7 & 8 R/o. Shivkrupa Building )  
Ganesh Ali, Tal. Murud Dist.Raigad)
9. **Kamlakar @ Kamlakant Laxman Janjirkar)**  
Age :- 45 Yrs.,Occu.-Agriculture, )
10. **Sunanda Kamlakar Janjirkar** )  
Age :- 60 Yrs.,Occu.- Housewife, )  
No. 9 & 10 R/o. Murud- Janjira )  
Subhashchandra Road, )  
Tal. Murud, Dist. Raigad. )
11. **Sangita Ravindra Kelaskar,** )  
Age :- 42 Yrs.,Occu.- Housewife, )  
R/o. Shriwardhan Kelaskar Ali )  
Tal. Shriwardhan, Dist. Raigad. )
12. **Vaishnavi Vasant Ule,** )  
Age :- 40 Yrs.,Occu.- Housewife, )  
R/o. Kelashi, Tal. & Dist. Ratnagiri )
13. **Vijaya Vinod Gurav,** )  
Age :- 38 Yrs., Occu.- Housewife, )  
R/o.Diveagar Holicha Naka, )  
Shiwadi Chawk, Tal. Shriwardhan, )  
Dist. Raigad. )
14. **Shilpa Kamlakar Janjirkar,** )  
Age :- 38 Yrs.,Occu.- Housewife, )  
R/o. Murud- Janjira, )  
Subhashchandra Road, )  
Tal. Murud, Dist. Raigad. )
- 15 **Shri. Gajanan Damodar Pake,** )  
Age – 34 Yrs., Occu.- Business, )  
R/o. Palaji Mohalla, Post – Murud, )... Respondents  
Tal. Murud, Dist. Raigad. ) (Ori. Defendants)

**Appeal against Judgment and Decree dt. 22.12.2016 passed by C.J.J.D. Murud in Reg.C.S. No. 12/2013.**

**Appearances :-**

Advocate for Appellant - Shri. J. H. Cheulkar  
Advocate for Respondent }  
Nos.1 to 4 & 15 } - Shri. M. J. Tambadkar  
Advocate for Respondent Nos.5,6,7- Shri. Mahesh Vengurlekar  
with Shri. R. D. Patil  
Respondent no. 8 - Ex-parte  
Respondent No. 9,10,11,12,13,14 - None.

**JUDGMENT**  
**( Delivered on 13/04/2026 )**

This civil appeal u/sec. 96 r/w. Order 41 Rule 1 of CPC is filed by original Plaintiff Santosh Kamalakar Janjirkar against the Judgment and Decree dt. 22.12.2016 passed by Ld. Civil Judge Junior Division, Murud, in Regular Civil Suit No.12/2003 whereby the suit is dismissed.

Appellant is the original Plaintiff whereas Respondents are original Defendants and hereinafter they are referred as per their original status in the suit.

**2. Brief facts necessary for disposal of the present appeal are as under -**

(a) Reg. Civil Suit No. 12/2013 was filed in respect of the suit property more particularly described in para No.2 of the plaint.

(b) It was suit for declaration of his 1/21<sup>st</sup> undivided share and that the compromise decree of partition between defendant No.9 and his brothers Dattatray and Sundar, in Civil Appeal No.167/1986, being against Bombay Prevention of Fragmentation Act, is not binding upon plaintiff and that the registered sale deed dated 03.08.2010 between defendant No.15 and Dattatray Janjirkar, the deceased uncle of plaintiff, being against the provisions of Bombay Prevention of Fragmentation Act, is illegal and not binding upon plaintiffs 1/21<sup>st</sup> undivided share and for partition and permanent injunction.

(c) It is case of plaintiff that Laxman Janjirkar was the common ancestor of Plaintiff and Defendant nos. 1 to 14. Laxman died in 1962 leaving behind widow Bhagirathi, and 03 sons namely Kamalakar (defendant No.9), Sundar and Dattatray. Their names were shown in 7/12 extract. Name of Bhagirathi was shown as head of joint family. Thereafter, Sundar died leaving behind defendant nos. 5 to 8, being widow, 02 sons and daughter. Dattatray died leaving behind two sons and two daughters viz defendant No.1 to 4. Defendant nos. 11 to 14 are real sisters and defendant No.10 is the mother of the plaintiff. Defendant No.9 is father of the plaintiff. Plaintiff and defendant No.1 to 14 have inherited ancestral property and plaintiff has undivided share in suit properties left behind by Laxman.

(d) Plaintiff has averred that, his father i.e. Defendant no.9 is drunkard and under the influence of liquor, he used to abused and assault his mother and sisters. He has no practical

knowledge and under the influence of liquor he signs any document and became bankrupt. Therefore ever since before he attains majority he is not residing with his father and resides with distant uncle since 1990. Plaintiff has not kept any relation with defendant No.9 since then and he do not know any understanding between defendant No.9 and his deceased brothers i.e. Sundar & Dattatray. He has further averred that, in third week of December 2012, he noticed Defendant no. 15 started doing changes in the house situated in the suit property. On inquiry, he learned that his father, Sundar and Dattatray has got effected the partition of the suit property, pursuant to compromise pursis filed in Civil Appeal No.167/1986 by Kamalakar i.e. plaintiff's father Sundar and Dattatray, which was filed against Judgment & Decree dated 30.09.1986 in Regular Civil Suit no.33/1983 filed by plaintiff's uncle Sundar against father of Plaintiff and Dattatray. He has further averred that plaintiff's father under the influence of liquor signed compromise pursis. The said partition was unequal and in wrong manner and against the provisions of the Maharashtra Prevention of Fragmentation Act and therefore the said partition decree on compromise, is illegal and not binding upon the Plaintiff.

(e) Plaintiff has further averred that, his uncle Dattatray sold some of the portion of the house situated in the suit property, of his share to Defendant no.15 by sale-deed dt. 02.08.2010 and therefore the same is not binding on the Plaintiff. Plaintiff has further averred that, at the time of partition, plaintiff's share in the suit property was not taken into

consideration and father of Plaintiff and his brothers, misleading the Court filed the compromise pursis, on which the then District Judge passed order of partition in Civil Appeal No.167/1986. On inquiry his father gave evasive answers and therefore plaintiff was compelled to file the present suit for partition, declaration and perpetual injunction as pleaded above.

3. After service of summons, defendant nos. 1 and 4 by filing written statement at Exh.35 denied the contentions raised by Plaintiff. It is contended that the suit is barred by limitation and the Plaintiff has no right to file suit against them. Plaintiff is residing with his father since his birth. Plaintiff was well aware of the partition between his father and his deceased uncle Sundar and Dattatray. Their father Dattatray sold the property came to his share and possessed by him in view of the compromise in Civil Appeal No.167/1986, to defendant No.15 and therefore the plaintiff is not entitled for declaration, partition and perpetual injunction as sought and prayed for dismissal of the suit with costs. Defendant nos.2 & 3 vide pursis at Exh.60 adopted the written statement filed by Defendant nos. 1 & 4.

4. Defendant nos.6 and 7 filed written statement at Exh.48 contending that, Plaintiff and his father have cordial relations and father of Plaintiff is not addict as alleged. The compromise decree in appeal is implemented and the partition is effected 24 years back and therefore the said compromise

decree is binding upon the Plaintiff. Plaintiff has only right in the properties came to his father's share and the plaintiff has filed the present suit only to harass the Defendants. Plaintiff has not filed appeal against the compromise decree and the suit is time barred and therefore prayed for dismissal of the suit.

5. Defendant no.9 and 10 to 14 filed their written statement at Exh.62 and 33 respectively. Defendant no.9 has contended that, he is not addicted as alleged and he had not abused and assaulted his wife and his children. Plaintiff is residing separately from him since 1990 and has no knowledge about the incidents in the family. Plaintiff was residing separately at the time of compromise. He has further stated that, he signed only for self and he has not signed for and on behalf of other co-sharers. As pleaded by plaintiff, the sale-deed in favour of Defendant no.15 is illegal and he has no objection to grant the relief as prayed by the plaintiff. Defendant no.10 to 14 in their written statement, accepted that the plaintiff has share in the suit property and they have no objection to grant the decree.

6. Defendant no.15 filed Written statement at Exh.37 and stated that, House no.125B situated in Survey no. 822 is purchased by him from the father of Defendant nos. 1 to 4 by registered Sale-deed dated 03.08.2010. Plaintiff was well aware of the said fact and therefore the sale-deed effected in his favour is legal. Since the house purchased by him was in dilapidated condition he started repairs of the house in rainy

season and prayed for dismissal of the suit.

7. On the basis of the pleadings and submissions made by the parties, the Trial Court framed issues at Exh.64 and the same are reproduced herein for the sake of convenience :-

1. Whether Plaintiff has proved that the suit properties are ancestral and joint family properties of Plaintiff and Defendants ?
2. Whether Plaintiff is entitled for partition and possession of his share in the suit properties ?
3. Whether Plaintiff is entitled for declaration in respect of compromise decree in Civil Appeal No. 167/86 ?
4. Whether Plaintiff is entitled for declaration that the Sale-deed dt. 03.08.2010 is illegal and not binding upon him ?
5. Whether Defendants have proved that the suit properties are their self acquired properties ?
6. Whether suit is within limitation ?
7. What order and decree ?

8. In order to prove his case, Plaintiff examined himself at Exh.69 and produced documentary evidence viz.

- a) certified copy of Sale-deed dt. 03.08.2010 at Exh.68,
- b) 7/12 extract of suit properties at Exh. 71 to 76,
- c) Mutation entries in respect of suit properties at Exh. 77 to 83,
- d) Assessment Extracts of House no. 239 and 240 at Exh. 84 and 85,
- e) Certified copy of Judgment and Decree in RCS No. 33/83 at Exh. 86 & 87,
- f) Certified copy of Exh.1 in Civil Appeal No. 168/86 at Exh. 88,

g) Certified copy of compromise pursis and Decree in Civil Appeal No. 167/86 at Exh. 89 and 90.

Plaintiff filed evidence close pursis at Exh. 94.

9. Defendant no.12 Vaishnavi Ule examined herself, for and on behalf of Defendant nos. 10 to 14 at Exh. 96.

10. Defendant nos.6 Avinash Janjirkar examined himself for and on behalf of defendant No.6 & 7 at Exh. 101 and filed evidence close pursis at Exh. 102.

11. Defendant no.9 did not adduce evidence and filed pursis at Exh. 97.

12. Defendant nos.1 to 4 and 15 also did not lead any evidence and filed pursis to that effect at Exh. 98.

13. Trial Court after appreciating oral as well as documentary evidence on record and recording the reasons answered Issue nos.1 in affirmative and issue nos. 2 to 6 in negative and dismissed the suit vide judgment and decree dt. 22.12.2016 in R.C.S No. 12/2013.

14. Being aggrieved and dissatisfied with the judgment and decree dated 22/12/2016 passed by Ld. C.J.J.D. Murud in RCS No.12/2013, Plaintiff filed present Appeal mainly on the grounds that ;

(a) The Judgment of the Trial Court is not consistent with provisions of law.

(b) Trial court has not framed the proper issues for

consideration.

(c) Trial Court has not given proper findings to the issues.

(d) Trial Court answered issue no.1 in affirmative by accepting that the suit properties are joint family properties of Plaintiff and Defendants however dismissed the suit which itself shows non application of mind of the Trial Judge.

(e) Trial Court ignoring the documentary evidence produced by the Plaintiff gave undue weightage to the oral evidence of Defendant.

(f) Trial Court has not taken into consideration the evidence of Defendant no.12.

(g) Defendant No.1 to 4 so also defendant No.9 did not enter the witness box. Defendant No.9 also did not enter the witness box and therefore the Trial Court ought to have drawn the adverse inference against them.

(h) Plaintiff was not party to the compromise pursis in Civil Appeal No.167/1986 and the fragmentation against the provisions of Bombay Prevention of Fragmentation Act is not permissible under law and there is nothing to show Bombay Prevention of Fragmentation Act is applicable to Murud.

(i) Once the Trial Court accepted that the suit property is joint family property and that the plaintiff has acquired the right by birth in the suit property, the Trial Court ought to have set aside the compromise decree in Civil Appeal No.167/1986 as plaintiff's father signed the compromise pursis only for himself and not for plaintiff and his sisters and the compromise pursis cannot be made binding upon the parties who are not before the Court. It is further contended that decree obtained by

misleading the Court is not binding upon the aggrieved.

(j) The compromise pursis in Civil Appeal No.167/1986 is illegal and therefore it cannot be said that his present suit was barred by Limitation Act.

(k) That the plaintiff was minor and his sisters were also not party to the above said Civil Appeal No.167/1986 and therefore the said compromise pursis is not binding on plaintiff and his sisters who are defendant No.10 to 14, more particularly when the defendant No.9 has accepted the right of plaintiff in the suit property.

15. Heard Ld. Adv. Shri. J. H. Cheulkar for Appellant/Original Plaintiff and Ld. Adv. Shri. M. J. Tambadkar for Respondents/Original Defendant nos. 1 to 4 & 15 and Id Adv. Shri. Vengurlekar for Respondents/Original Defendant nos. 5 to 7. Perused the records and pleadings. Following points arise for my determination and I have recorded my findings thereto with reasons thereon as under -

Sr. No.	Points	Findings
1.	Whether the compromise decree in Civil Appeal no. 167/1986 between Defendant no. 9, Sundar and Dattatray is not binding upon Plaintiff and the same is liable to be set aside ?	... In the negative.
2.	Whether the suit is within limitation ?	... In the negative.
3.	Whether plaintiff is entitled for declaration, partition and injunction as prayed ?	... In the negative.

4.	Whether interference is called for at the hands of this Court against the Judgment and decree dt. 22.12.2016 passed by Ld. C.J.J.D. Murud in Reg.C.S. No. 12/2013 ?	... In the negative.
5.	What Order ?	.. As per final order.

**:: REASONS ::**

**As to Point No. 1 :-**

16. It is not in dispute that Laxman Janjirkar was the common ancestor of Plaintiff and Defendant nos. 1 to 14. Laxman died in 1962 leaving behind widow Bhagirati and three sons namely Kamlakar i.e. Defendant no.9, Sundar and Dattatray. Their names were shown in 7/12 extract. Bhagirati's name was shown as head of joint family. Thereafter Sundar died leaving behind Defendant nos. 5 to 8 being widow, two sons and one daughter. Dattatray died leaving behind two sons and two daughters i.e. Defendant nos. 1 to 4, Defendant nos. 11 to 14 are real sisters and Defendant no. 9 and 10 are father and mother, of Plaintiff. Plaintiff and Defendant no. 1 to 14 have inherited ancestral property.

17. It is also not in dispute that Reg. Civil Suit No. 33/1983 has been filed by Plaintiff's uncle Sudar against Kamlakar i.e. father of the Plaintiff and Dattatray. The said suit was partly decreed with costs on 30.09.1986 and the Plaintiff therein is declared as the owner to the extent of 1/3<sup>rd</sup> share of the landed property bearing Survey No. 66/3 from Murud as described in para 2A of the Plaint and that he is entitled to get

possession to the extent of his share from the Defendant no. 1.

18. It is also not in dispute that Sundar Laxman Janjirkar filed Civil Appeal No. 167/1986 in the District Court Raigad at Alibag. In the said Civil Appeal, the compromise pursis at Exh. 89 was filed and the decree at Exh. 90 was passed in terms of compromise, by then District Judge, Raigad at Alibag, on 01.12.1988.

19. In the instant case, Advocate Shri. Cheulkar raised a contention that since the suit property is ancestral property, Plaintiff has acquired right by birth in the suit property, by drawing my attention to Sec. 6 of Hindu Succession Act, 1966. He submits that the Trial Court ought to have set aside the compromise decree in Civil Appeal No. 167/1986 as Plaintiff's father signed the compromise pursis only for himself and not for Plaintiff and his sisters and the said compromise decree can not be made binding upon the parties who were not before the court. He further contends that the decree in terms of compromise is obtained by parties to abovesaid Civil Appeal NO. 167/1986 by misleading the court and therefore the same is liable to be set aside.

20. On the other hand ld. Adv. Shri. Tambadkar for Respondent nos. 1 to 4 and 15 submitted that as per Hindu Law after partition if party gets a separate and distinct share and this share becomes their self acquired property and they have absolute right over it and he can sell, transfer or bequeath it as

they wish. Accordingly, the properties bequeath through partition, become the self acquired properties of the respective sharers and placed reliance on the Judgment of the Hon'ble Supreme Court in the case of **Angadi Chandranna V/s. Shankar and Ors., in Civil Appeal No. 5401 of 2025** wherein it is observed in para 17 as under -

“It can not be disputed that the properties divided among Defendant no. 1 and his brothers through partition deed dt. 09.05.1986, are joint family properties. However, as per Hindu Law, after partition each party gets a separate and distinct share and this share becomes their self acquired property and they have absolute rights over it and they can sell, transfer or bequeath it as they wish. Accordingly the properties bequeathed through partition, become the self acquired properties of the respect sharers.”

21. In view of the rival contentions of parties, first I will like to refer to Order 23 Rule 3 of CPC., which relates to compromise of suit. For the sake of convenience, Order 23 Rule 3 of CPC is reproduced herein.

“ **3. 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 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 satisfaction to be recorded, and shall pass a decree in accordance therewith 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.

**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.

**Explanation** - An agreement or compromise which is void or voidable under the Indian Contract Act 1872, shall not be deemed to be lawful within the meaning of this rule.

22. The intention of this provision is to achieve the object of recording of a lawful compromise or settlement and passing a decree with the free consent of the parties and to achieve the ends of justice. The legislature has intentionally imposed, by the use of specific language certain inbuilt safeguards and obligations upon the court, before a decree on the basis of a compromise between the parties can be passed. If a decree is passed under this rule on a compromise which is not lawful, the court should not enforce the decree in execution proceedings. A party challenging a compromise can file a petition under the proviso to Rule 3 of Order 23 or an appeal u/sec.96(1) of the Code, in which he can now question the validity of compromise, in view of Order 43 Rule 1(a) of the Code. If the agreement and compromise itself is fraudulent, then it shall be deemed to be void within the meaning of the explanation to the proviso to Order 23 Rule 3 and as such, not lawful.

23. In the instant case it is admitted position that, the Appellant was not party to the compromise pursis in Civil Appeal No. 167/1986, though he acquired right in the suit property by birth under Sec. 6 of Hindu Succession Act, 1986.

Plaintiff has contended that the partition was unequal and therefore the compromise pursis is not binding upon the Plaintiff, his sisters and mother i.e. Defendant nos. 10 to 14 and that the Defendant no. 9 as also Defendant no. 12 have accepted the right of Plaintiff in the suit property. This Civil Appeal is not u/sec. 96 of CPC, against the compromise decree dt. 01.12.1988 nor this is a petition under proviso to Rule 3 of Order 23 of CPC, as contemplated under Order 23 of CPC. Sundar, Dattatray and Kamlakar were parties to Civil Appeal No. 167/1986. The Plaintiff can claim share in the property which came to the share of his father Kamlakar, pursuant to the compromise decree in Civil Appeal no. 167/1986 as the said compromise decree is implemented as well as can be seen from the Revenue Records.

24. In the instant case, after the compromise decree, father of Defendant nos. 1 to 4 has sold the property which came to his share as after the partition it became his self acquired property and he has absolute right over it and he can sell, transfer or bequeath it as he wish, as held by the Hon'ble Apex Court in **Angadi Chandranna** cited Supra and therefore the compromise decree in Civil Appeal No. 167/1986 can not be disturbed in the present appeal. Moreover, unequal distribution of properties as alleged cannot be the ground for setting aside the compromise decree as it may be because of the factors like fertility of land and the position of the land from road and its utility. Therefore the admissions given by Defendant no. 12 who is real sister of the Plaintiff and the Defendant no. 9 in his

written statement are of no assistance to the Plaintiff. Moreover, at the time of compromise decree in Civil Appeal no notification u/sec. 3 of Bombay Prevention of Fragmentation Act was in place in Raigad District and no document relating to notification is produced on record. Moreover, according to the Plaintiff, the suit property is situated in the limits of Municipal Council and therefore it is not barred by Bombay Prevention of Fragmentation Act and therefore the contention of the Appellant/Plaintiff relating to compromise decree cannot be accepted. Hence, I hold that the compromise decree in Civil Appeal no. 167/1986 between Defendant no. 9, Sundar and Dattatray is binding upon the Plaintiff and he is not entitled for the declaration in that regard. Hence, I answer point no. 1 accordingly in negative.

**As to point no. 2 :-**

25. The instant suit is filed on 08.03.2013. The Plaintiff has sought for declaration of his 1/21<sup>st</sup> undivided share and that the compromise decree of partition dt. 01.12.1988 in Civil Appeal No. 167/1986 between Defendant no. 9 and his brothers Dattatray and Sundar, is not binding upon the Plaintiff and that the registered sale-deed dt. 03.08.2010 between Defendant nos. 1 to 4 and Defendant no. 15 is illegal. No doubt the Plaintiff has acquired right in the suit property by birth in view of Sec. 6 of Hindu Succession Act, in the co-parcenary property left behind by Laxman. Plaintiff has claimed that he was minor at the time of compromise decree in Civil Appeal No. 167/1986 and that he was residing with his distant maternal uncle as his father used

to abuse and assault his mother and sisters under the influence of liquor and that he has not kept any relation with Defendant no. 9 since then and he had no knowledge of compromise decree in Civil Appeal No. 167/1986 till December 2012. However the record shows otherwise and dealt in detail by the Trial Court. Therefore, I do not propose to repeat the discussion on the said point. In view of Sec. 6 and Article-59 of the Limitation Act the Plaintiff should have file the suit for declaration sought in a present suit within three years from attaining the majority. However, he failed to do so. Moreover, after the compromise decree of partition, the said compromise decree is implemented and revenue entries were effected accordingly. Hence, I hold that the suit is barred by limitation as contended by Advocate for Respondents. Hence, I answer point no. 2 accordingly in negative.

**As to Point no. 3 :-**

26. As already observed above for the reasons recorded therein, Plaintiff is not entitled for the declaration as sought and for partition and injunction. In the present suit, his father Kamlakar is Defendant no. 9, his sisters are Defendant nos. 11 to 14. Kamlakar has got his share as per the compromise decree dt. 01.12.1988 in Civil Appeal No. 167/1986. Therefore, the admission of Kamlakar and the evidence of Defendant no. 12 for and on behalf of herself and Defendant nos. 11, 13 and 14 is of no consequence. On the contrary it seems that Defendant no. 9 to 14 are in collusion with the Plaintiff and the present suit is filed by the Plaintiff only to disturb and extract money from

Defendant no. 15 who came in possession of the properties mentioned in the registered sale-deed dt. 03.08.2010 which was executed in his favour by the father of Defendant nos. 1 to 4 after the compromise decree in Civil Appeal No. 167/1986. After the compromise decree, the properties which came to the share of Kamlakar have become the self acquired properties of Kamlakar and the Plaintiff has right and share in the properties of Kamlakar and the Plaintiff is at liberty to ask for his share in the properties which came to the share of Kamlakar after the compromise decree. Hence, I hold that Plaintiff is not entitled for 1/21<sup>st</sup> share in the suit properties more particularly when the compromise decree is implemented and given effect to and also for the declaration that the compromise decree dt. 01.12.1988 in Civil Appeal No. 167/1986 between Defendant 9, Sundar and Dattatray is not binding upon Plaintiff and for the declaration that the sale-deed dt. 03.08.2010 is illegal and for partition and permanent injunction as claimed. Hence, I answer point no. 3 in negative accordingly.

**As to Point no. 4 :-**

27. For the reasons recorded above, in answer to point no. 1 to 3, no interference is required at the hands of this court as the Trial Court has taken into consideration all the issues involved in the present case. Hence, I answer point no. 4 in negative accordingly.

**As to Point No. 5 :-**

28. In view of reasons and findings recorded in answer to point nos. 1 to 4, I proceed to pass the following order.

:: **ORDER** ::

1. Reg. Civil Appeal no. 14/2017 is hereby dismissed with costs.
2. The Judgment and Decree dt. 22.12.2016 passed by Ld. Civil Judge J. D., Murud in Reg.Civil Suit No. 12/2013 is hereby confirmed.
3. Decree be drawn accordingly.
4. R & P of Reg. Civil Suit No. 12/2013 be returned to the court of C.J.J.D. Murud.

Alibag.  
Date :-13.04.2026

Sd/-  
( R. D. Sawant )  
Principal District Judge  
Raigad-Alibag.

## CERTIFICATE

I affirm that, the contents of this PDF file is same word to word, as per the original judgment.

Name of Steno :- S. S. Puro (Steno)(Grade-I)

Name of Court :- Principal District Court,  
Raigad-Alibag.

Judgment Dictated on :- 13.04.2026

Judgment signed by P.O. on :- 13.04.2026

Judgment uploaded on :- 13.04.2026