

MHYA240000622025

**COMMON ORDER BELOW EXH.01, 23, 47 & 48.**(Passed on 28th April 2026)

1) Exh.01 is a suit against defendant nos.1 and 2 and it abated against defendant no.1 and it is for declaration whereas Exh.23 is a counter-claim of defendant no.2 and L.R's of deceased defendant no.1 against present plaintiffs who have been impleaded as defendant nos.1 to 3 and 2 other defendants who have been impleaded as defendant nos.4a and 4b and it is for specific performance of contract and declaration and alternatively for refund of earnest amount.

2) This suit and counter-claim is at the stage of evidence of plaintiffs. However, plaintiffs have filed application vide Exh.47 for withdrawal of the suit as plaintiffs have paid Rs.10,00,000/- to the counter-claimants nos.1b to 1d and defendant no.2 of the suit has filed no objection for it.

3) Moreover, Exh.48 is a withdrawal application of the counter-claimants no.1b to 1d and counter-claimant no.2 for similar ground as counter-claimant no.1a has died as per death certificate Exh.46 on 15/03/2025. Defendant no.1 to 3 of the counter-claim and defendant no.4a and 4b of the counter-claim have filed no objection. Applicants of Exh.47 and 48 are present and they confirmed the contents of withdrawal applications and it bears signature of their counsels too.

4) Hence, considering outside court settlement in suit as well as in the counter-claim, and no objection of other parties, there is no any hurdle to allow these applications. Hence, I proceed to pass following final order;

ORDER

- 1) Exh.47 and Exh.48 are allowed.
- 2) The suit as well as the counter-claim stand disposed of as withdrawn.
- 3) No order as to costs.
- 4) Court fees be refunded, as per rules.

Date : 28.04.2026

(P S. Jondhale)
Civil Judge (Sr. Dn.),
Wani.