

% 21.10.2011

Present: Ms. Shruti Verma, Mr. Atul Shanker Mathur and Mr. Aseem Chaturvedi, Advs. for the Plaintiff along with plaintiff in person.

Defendant no. 1 is ex-parte.

Mr. Vijay Kumar Ravi, Adv. for Defendant nos. 2 and 3.

+ I.A. No. 16863/2011 (u/O 23 R 3 CPC) in CS (OS) No. 1227/2008

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By this application plaintiff prays that a compromise decree be passed in view of the settlement arrived at between plaintiff and defendant nos. 2 and 3. Terms of the settlement have been incorporated in the application which is duly signed by the plaintiff and defendant nos. 2 and 3, inasmuch as, it has been supported by their affidavits. I find the settlement to be lawful. As regards defendant no. 1 he appeared in Court through his lawyer but failed to file written statement despite opportunity granted to him. Later, he stopped appearing and was proceeded ex-parte. Thus, decree is passed against him under Order 8 Rule 10 CPC, while decree is passed against defendant nos. 2 and 3 in view of the compromise in the following terms :-

(a) Sale deed dated 9th October, 2007 executed by Late Smt. Murti Devi is declared null and void;

(b) A decree of possession is passed in favour of the plaintiff and against defendant no.3;

(c) Sub Registrar to take notice of the cancellation of Sale Deed dated 9th October, 2007 and to make necessary entries in this regard in the records maintained by him;

Signature Not Verified

Signing Date: 31.08.2024 17:30:37
Certify that the digital and physical file have been compared and the digital data is as per the physical file and no page is missing.

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(d) Revenue authorities to strike off the mutation in favour of defendant no. 3 as carried in the revenue records and enter the name of the plaintiff as owner of the suit property;

(e) Parties to bear their own costs.

Suit is disposed of in the above terms. All interim applications are also disposed of.


A.K. PATHAK, J.

October 21, 2011

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