

GAHC010110432024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/1702/2024
in
MFA/80/2014

ON THE DEATH OF BHAGAWANLAL GUPTA, HIS LEGAL HEIR, MALATI GUPTA AND ANR
D/O LATE BHAGWAN LAL GUPTA, R/O STATION ROAD, BONGAIGAON, P.O.
AND P.S. BONGAIGAON, IN THE DIST. OF BONGAIGAON, ASSAM.

2: CHANDAN GUPTA
S/O LATE BHAGWAN LAL GUPTA
R/O STATION ROAD
BONGAIGAON
P.O. AND P.S. BONGAIGAON
IN THE DIST. OF BONGAIGAON
ASSAM

VERSUS

DEEPAK GUPTA,
S/O LATE BHAGWAN LAL GUPTA, R/O STATION ROAD, BONGAIGAON, P.O.
AND P.S. BONGAIGAON IN THE DIST. OF BONGAIGAON, ASSAM.

Advocate for the Petitioner : MS R SAHA
Advocate for the Respondent : MR. B J MUKHERJEE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

19.06.2024

Heard Shri A. Deka, learned counsel appearing on instructions of the

applicants. Also heard Shri B.J. Mukherjee, learned counsel for the respondent / opposite parties.

2. This application has been filed for clarification of the order dated 28.03.2023 passed in the connected MFA/80/2014. It is submitted that the matter was settled outside the Court and in that regard a Deed of Memorandum of Understanding cum Agreement was also registered on 03.02.2023. It is also submitted that while the order dated 28.03.2023 of this Court has recorded the aforesaid fact, the Deed as such or any of the details have not been mentioned in the order as a result of which the parties are having difficulties in executing the decree.

3. Shri Mukherjee, learned counsel for the opposite parties submits that there is no objection at all and in fact the affidavit supporting the present petition is also executed by his client. He has also submitted that there is a Rectification Deed too.

4. After considering the submission, this Court is of the opinion that instead of making any clarification in the aforesaid order, the parties are directed to present the Registered Deed No. 215 dated 03.02.2023 and the Rectification Deed before the District Judge, Bongaigaon along with a copy of the order passed today. The District Judge, Bongaigaon is accordingly directed to draw up a decree in accordance with the compromise Deed dated 03.02.2023 and the Rectification Deed whereafter the parties would be free to execute the same in accordance with law.

5. The I.A. is accordingly disposed of.

JUDGE

Comparing Assistant