

GAHC010170592024



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

Case No. : I.A.(Civil)/2648/2024

MD AJIJUL HOQUE and 2 ORS
S/O LATE SAMSUDDIN

2: EMDADUL HOQUE

3: MAHIDUL HOQUE @ MOFIDUL ISLAM
ALL ARE SONS OF LATE SAMSUDDIN
R/O TELIA BEBEJIA PATHAR
MOUZA JURIA
P.O. SAKULI PATHAR
P.S. JURIA
DIST. NAGAON
ASSAM
PIN 78212

VERSUS

MUSSTT MULUKJAN NESSA and 5 ORS H
D/O LATE SIRAJ ALI,

2:MD. ISHAHAK ALI

3:MD. MAINUDDIN

4:MD. MUBARAK ALI

5:MD. RAMJAN ALI

6:MUSSTT. RAHIMA KHATUN

WIFE SONS AND DAUGHTER OF LATE SIRAJ ALI
R/O CHAMDHARA
MOUZA JURIA
P.O. DAGAON
P.S. JURIA
DIST. NAGAON
ASSAM
PIN 78212

Advocate for the Petitioner : MR. A MOBARAQUE, MR.A MOBARAQUE,MR.B BANERJEE

Advocate for the Respondent : MS. J DEVI, MR.I CHOUDHURY(R- 1-6),MR.P KATAKI(R- 1-6),MRM HALOI(R- 1-6)

Linked Case : I.A.(Civil)/2649/2024

MAINUL HOQUE and ANR
S/O LATE SAMSUDDIN

2: EMDADUL HOQUE

3: MAHIDUL HOQUE @ MOFIDUL ISLAM
ALL ARE SONS OF LATE SAMSUDDIN
R/O TELIA BEBEJIA PATHAR
MOUZA JURIA
P.O. SAKULI PATHAR
P.S. JURIA
DIST. NAGAON
ASSAM
PIN 782124
VERSUS

MUSSTT MULUKJAN NESSA and 5 ORS
D/O LATE SIRAJ ALI

2:MD. ISHAHAK ALI

3:MD. MAINUDDIN

4:MD. MUBARAK ALI

5:MD. RAMJAN ALI

6:MUSSTT. RAHIMA KHATUN

WIFE SONS AND DAUGHTER OF LATE SIRAJ ALI
R/O CHAMDHARA
MOUZA JURIA
P.O. DAGAON
P.S. JURIA
DIST. NAGAON
ASSAM
PIN 782124

Advocate for : MR.A MOBARAQUE

Advocate for : appearing for MUSSTT MULUKJAN NESSA and 5 ORS

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

16.09.2024

Heard Mr. A. Mobaraque, learned counsel for the applicants and also heard Mr. M. Haloi, learned counsel for the respondent Nos.1—6.

2. These interlocutory applications under Order XXIII Rule 3 of the Code of Civil Procedure are preferred by the applicants for allowing them to withdraw the connected RSAs pending before this Court, as per compromise between the parties and by treating the compromise agreement as part of the decree and to send down the records to the

learned Courts below.

3. Mr. Mobaraque, learned counsel for the applicants submits that the matters have been compromised between the parties and an agreement was also executed between the parties, which is annexed with these applications as Annexure-A and as such, Mr. Mobaraque submits that the applicants to the connected RSAs may be permitted to make the deed of compromise as part of the decree and to send down the record to the learned Courts below.

4. Mr. Haloi, learned counsel for respondents submits that the respondents have no objection in the event of allowing the applicants to withdraw the connected RSAs, as the matters have already been settled between the parties.

5. Having heard the submission of learned Advocates of both sides, I have carefully gone through these applications and the compromise agreement, which is annexed with these applications as Annexure-A, at page-18.

6. It appears that both the parties have amicably settled these matters and as such, I find sufficient ground to allow the applicants to withdraw these second appeals. Accordingly, the connected second appeals stand disposed of on withdrawal. The deed of compromise agreement (Annexure-A) shall be part of the decree.

7. Registry shall send down the records to the learned Courts below forthwith with a copy of this order.

8. In terms of above, the I.A.s stand disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant