

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.426 of 1989

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Basudeo Mahto

.... Appellant/s

Versus

Rajendra Pd. & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Harendra Prasad Singh -1`

For the Respondent/s : Mr. Jitendra Pd. Shahi
Mr. Jitendra Prasad Singh
Mr. Niraj Kumar
Mr. Braj Bhushan Mishra

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

27 13-10-2015 Heard the learned counsel appearing on behalf of the

appellant as well as learned counsels appearing on behalf of the

respondent on interlocutory application No.6170 of 2015.

The office earlier pointed out that in this compromise
application, the appellant No.2 has not singed. For removal of the
said defects, the parties have filed I.A. No.8260 of 2015 wherein it
is stated that the appellant No.2 had also died leaving behind his
legal representatives who have signed the compromise application
at flag 'A'.

In view of the above, this interlocutory application No.8260
of 2015 is allowed and the defect is hereby ignored.

The learned counsels for the appellant and the learned
counsels for the respondent submitted that both the parties have

compromised their dispute outside the Court and have filed this compromise application under Order 23 Rule 1 of the Code of Civil Procedure.

It appears that partition suit was filed by the plaintiffs appellants. The defendants respondents contested the suit and ultimately the suit was dismissed by the Court below. Against the said Judgment and Decree, the plaintiff has filed this First Appeal.

From perusal of the compromise application at paragraph 6 & 7, it appears that the terms and conditions have been mentioned in detail and copy has also been attached accordingly. There is no impediment in recording the compromise arrived at between the parties.

In view of the above facts and circumstances of the case that both the parties have already compromised their dispute outside the Court and there is no impediment in recording the compromise, I accept the compromise application being I.A. No.6170 of 2015. Accordingly, this First Appeal is decreed in terms of compromise application, i.e., I.A. No.6170 of 2015. The compromise application shall form part of the decree.

Sanjeev/-

(Mungeshwar Sahoo, J)

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