

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.81 of 1997

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Shambhu Shaw,, son of Late Sitaram Shaw, resident of Mungeriganj, P.O. +
P.S. + District Begusarai
..... Defendant 1st party Appellant
..... Appellant

Versus

1(i). Umesh Poddar
1(ii). Ramesh Poddar
1(iii) Dinesh poddar
1(iv). Ganesh Poddar, all sons of Chandrashekhar Poddar, residents of
Mohalla Mumngeriganj, P.S. + District Begusarai
..... Plaintiffs Respondents
2. Most. Tetri, wife of miso Saw alias Hiro Sah, resident of Mohalla
Nauranga, P.S. + District Begusarai
3. Kanhai Sahu
4. Kartick Sahu, both sons of Late Luchai Turha, residents of Village
Narhan, P.S. + District Begusarai
..... Defendantgs Respondents 2nd party
... Respondents

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Appearance :

For the Appellant/s : Mr. Jitendra Kishore Verma

For the Respondent/s : Mr. Upendra Prasad
Mr. Veena Rani Jaiswal

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

20 17-08-2015 Heard learned Counsel for the parties.

The Interlocutory Application (I.A. No. 6490 of 2015) has been filed jointly by the appellant as well as substituted heirs of deceased respondent No. 1, praying for deletion of the names of respondent Nos. 2, 3 and 4 from the memo of appeal. It has been stated in the petition that respondent Nos. 2, 3 and 4 have got no interest in the matter and therefore their names be deleted from the memo of appeal in order to accept the compromise petition jointly filed by the appellant and the substituted heirs of the deceased respondent No. 1.

Learned Counsel for the appellant and the learned Counsel appearing for the substituted heirs of deceased respondent No. 1 jointly submit that the compromise petition be accepted after deleting the names of respondent nos. 2, 3 and 4 from the memo of appeal at the risk of the appellant and substituted respondents (heirs of deceased respondent No. 1).

In view of the aforesaid submission and stand of the learned Counsel for the appellant and the substituted heirs of the deceased respondent No. 1, the Interlocutory Application (I.A. No. 6490 of 2015) is allowed and the names of respondent Nos. 2, 3 and 4 are deleted from the memo of appeal at the risk of the appellant and the substituted heirs of deceased respondent No. 1.

As prayed for, the compromise petition (I.A. No. 4806 of 2015) is accepted and this appeal is disposed of in terms of the compromise as contained in the aforesaid Interlocutory Application which shall form part of the decree.

(V. Nath, J)

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