

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.576 of 1998

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Bishwanath Prasad Singh @ Harihar Babu

.... Appellant/s

Versus

Girija Pat Narayan Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh
Mr. Satyendra Kumar Sinha

For the Respondent/s : Mr. Navin Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

10 09-03-2015

Heard learned counsel Mr. Kumar Manglam appearing

on behalf of the appellant and learned counsel Mr. Navin Prasad Singh appearing on behalf of respondents 2nd set on the Interlocutory Application No.5185 of 2004.

This interlocutory application has been filed by the appellant and respondent nos.2 to 7 jointly. The learned counsel for the parties submitted that respondent no.1 had not contested the suit in the court below because of the fact that he had already transferred his entire share in favour of respondent nos.2 to 7. Respondent nos.2 to 7 had filed contesting written statement and contested the suit in the court below. However, because of the intervention of the well wishers both the parties have compromised their dispute outside the Court and then are filing compromise application being this Interlocutory Application

No.5185 of 2004. According to the learned counsels the respondent no.1 has got no interest and, therefore, he is not a party to the compromise application because he is not necessary party at all.

Perused the office note.

It appears that all the parties have filed affidavit in support of the compromise application and further it appears that the first appeal has arisen out of partition suit. In the compromise application the properties have been specifically allotted in favour of particular party. There is no impediment in the way of recording the compromise. According to the office, there is no defect in the compromise application.

In view of the above facts and circumstances of the case this interlocutory application, i.e. compromise application is accepted. This first appeal is decreed in terms of compromise and Interlocutory Application No.5185 of 2004 shall form part of the decree. No order as to costs.

Accordingly, this first appeal is disposed of.

(Mungeshwar Sahoo, J)

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