

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7766 of 2015

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Ravindra Nath Pd. Verma S/o Late Mukhdeo Prasad Verma, R/o Mohalla-
Daudpur Kothi, P.O. M.I.T. P.S. Brahmpura, District- Muzaffarpur.

.... Petitioner/s

Versus

Raghunath Prasad Verma, S/o Late Mukhdeo Prasad Verma, R/o Mohalla-
Daudpur Kothi, P.O. M.I.T. P.S. Brahmpura, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 03-07-2015

Heard Mr. Jai Prakash Verma, the learned counsel for

petitioner in the interlocutory application as well as on the merits
of this writ application.

Calling in question the legal acceptability of the
impugned order dated 06.09.2014 dismissing the Misc. Case No.
14 of 2012 filed by the petitioner for setting aside the
compromised decree passed in the suit, this application under
Article 227 of the Constitution of India has been filed by the
petitioner.

The petitioner filed the suit for declaration that the
sale deed dated 05.01.2007 executed by the petitioner (plaintiff) in
favour of the respondent (defendant) in respect of schedule-4
property was forged and fabricated document and the defendant on



that basis had not acquired any right, title or interest over the suit property. The aforesaid suit was disposed of on 25.08.2009 in terms of the compromise between the parties. The said order dated 25.08.2009 has been annexed as Annexure-1. From the perusal of this order, it is evident that the court examined the plaintiff and defendant on the point of compromise and they had accepted the said compromise before the court. The plaintiff-petitioner after lapse of more than 3 years filed the petition on 30th December 2012 asserting that the compromise was obtained by playing fraud upon the petitioner and prayed for setting aside the compromise decree on that basis. After hearing the parties by the impugned order, the learned court below has rejected the said petition.

The learned counsel for the petitioner has made his submissions on the basis of the assertions made in the petition and has urged that the learned court below has committed material irregularity and error of jurisdiction in rejecting the petition.

After careful consideration of the facts and submission, it is pellucid that the suit filed by the plaintiff-petitioner was disposed of in terms of the compromise by order dated 25.08.2009. After lapse of about three years, the petition has been filed by the petitioner challenging the aforesaid compromise on the ground of fraud played upon him in obtaining the

compromise. The learned court below has elaborately considered the objections raised by the petitioner and has also taken particular notice of the fact that the petitioner had made statement in the suit, before recording of the compromise, where he accepted the fact of the compromise. It has also been found that the affidavit was also filed by the petitioner in the suit in support of the said compromise.

After elaborate scrutiny of the oral and documentary evidence on record, the learned court below has declined to accept the challenge of the petitioner to the compromise. This Court does not find any illegality or material irregularity in the impugned order.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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