

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 355 of 2002**

Taman Singh son of Shri Dayalu Ram, aged about 32 years, R/o. Village
Selud, Tahsil Patan, Distt. Durg (CG)

---- appellant

Versus

- 1(a) Firanteen Bai W/o late Dayalu Ram, aged about 62 years, R/o Salud, Tahsil Patan, Distt. Durg (CG)
- 1(b) Smt. Anushuiya Bai Sahu, W/o. Shri Bharat Lal Sahu, aged about 42 years, R/o village Machandoor, PS Utai, Tahsil Durg, Distt. Durg (CG)
- 1(c) Smt. Rukmani, W/o Shri Sadaram Sahu, aged about 34 years, R/o village parsada, pS Gundardehi, PO Danganiya, Tahsil Gunderdehi, Distt. Durg (CG)
- 1(d) Smt. Rohani, W/o Shri Shewaram Sahu, aged about 30 years, R/o village Janjgir, PO Janjgir, PS Bhilai, Tahsil Dhamdha, Distt. Durg (CG)

---- Respondents

For appellant	: Mr. Raghvendra Pradhan, Adv.
For Respondents No. 1(a) to 1(d):	Mr. Sanjay Agrawal, Adv.
For Respondent No. 2/State	: Ms. Shobha Kashyap, Dy. Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Judgment**

15/07/2015

1. Heard on I.A. No. 2/14 under Order 23 Rule 3 of Civil Procedure Code for compromise between the parties.
2. Appellants and all the contesting respondents gave their evidence before the Additional Registrar (Judicial) as per direction of this Court on 16-4-2015. All the contesting parties duly supported the contentions made in I.A. No. 2/14 for compromise and submitted that as per the terms of compromise mentioned in para 4 of the application, this second appeal may be disposed of.
3. The trial Court i.e. 6th Civil Judge Class II, Durg vide its judgment and decree dated 29-10-1999 passed in Civil Suit No. 65-A/1997 held that the plaintiff/ respondent failed to prove the case that he is the owner of the suit land, also failed to prove his possession and dismissed the prayer for grant of permanent injunction. Against the said judgment and decree, respondent Dayaluram preferred a civil appeal before 4th Additional District Judge, Durg bearing Civil Appeal No. 2-A/2000. The first appellate court vide the impugned judgment and decree dated 31-7-2002 allowed the appeal, set aside the judgment and decree passed by the trial Court holding that

appellant Dayaluram is the owner of the suit land i.e. bearing Khasra No. 955, 956, 1645/2 total area 0.84 hectare at village Selud, Patwari Circle Bhilai, Tehsil Patan, Distt. Durg. The first appellate court also directed the respondent No. 1/present appellant not to interfere in the possession of appellant Dayaluram over the suit land. Against the impugned judgment and decree, appellant /defendant Taman Singh filed instant second appeal.

4. As both the parties are agreed and settled their dispute by entering into compromise, this second appeal is disposed of with following order :-

i. The appellant and respondents No. 1(a) to 1(d) entered into compromise that all the suit property in question in respect of Khasra No. 955, 956, 1645/2 area 0.02 hectare, 0.02 hectare and 0.80 hectare situated at village Selud, Revenue Circle Bhilai, Tahsil Patan, Distt. Durg belongs to appellant Taman Singh and the respondents No. 1(a) to 1(d) has nothing to dispute.

ii. Judgment and decree passed by the first appellate court is hereby set aside. The appellant is declared as owner of the suit land.

iii. The application under Order 23 Rule 3 of the Civil Procedure Code shall be part of the decree.

lii. Parties shall bear their own costs.

5. decree be drawn accordingly.

6. Appeal allowed.

Sd/-

Chandra Bhushan Bajpai
Judge