

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14263 of 2013

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Nand Kishore Pandey Son Of Badri Narayan Pandey Resident Of Village: Manash,
Police Station: Dinara, P.O. Belwaiya, District: Rohtas.

.... Petitioner/s

Versus

1. Kedar Nath Pandey Son of Late Amir Chand Pandey.
2. Vijay Kumar Pandey.
3. Ajay Kumar Pandey.
4. Vikash Kumar Pandey all sons of Kedar Nath Pandey.
5. Bashisth Pandey.
6. Muni Pandey.
7. Deena Pandey all Sons Of Late Nemdhari Pandey.
8. Banktesh Pandey.
9. Akhilesh Pandey both Sons Of Nand Kishore Pandey all Resident Of Village :
Manash, P.O. Belwaiya, P.S. Dinara, District : Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhouri Vipin Bihari Shrivastava, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 01-12-2016

Heard Mr. Shrivastava, learned counsel for the petitioner.

By the impugned order, the learned court below has refused to dispose of the suit in terms of the compromise and has directed that the compromise be kept on record for consideration at the time of final adjudication of the suit.

On behalf of the petitioner, it has been accepted that the compromise petition has not been signed by all the plaintiffs. The



provision of Order 23 Rule 3 C.P.C. requires a compromise petition to be in writing and signed by the parties. In this view of the matter, it does not appear that the learned court below has committed any illegality or material irregularity in not disposing of the suit in terms of the compromise which has not been entered into by all the parties to the suit. This Court, therefore, is not inclined to invoke the jurisdiction under article 227 of the Constitution of India in interdicting the impugned order.

The application is, accordingly, dismissed.

At this juncture, learned counsel for the petitioner has made a prayer that the suit is pending since 1993 and therefore the direction be issued to the learned court below to dispose of the suit at the earliest.

After considering the submissions, the learned court below is directed to make all endeavors for disposal of the suit keeping in view that the suit is pending since 1993.

(V. Nath, J)

Devendra/-

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