

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.302 of 1976

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Ramdhari Singh & Ors

.... Appellant/s

Versus

Ram Sharan Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Devi Pd. Sharma
Mr. Nawal Kishore Singh

For the Respondent/s : Mr. Madhusudan Singh
Mr. Sultan Muzzaffter
Mr. Kailash Bihari Singh
Mr. Sidheshwar Pd.Singh
Mr. Kaushlendra Kr.Singh
Mr. Dinesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

59 13-09-2017 Heard the learned counsel, Mr. Arvind Kumar Singh for the

appellant and the learned counsel, Mr. Dinesh Prasad Singh for the

respondent.

Perused the office note dated 12.09.2017.

Interlocutory application No.5679 of 2000 has been filed by the parties compromising the disputes between them. This First Appeal arises out of partition suit and the parties have resolved their dispute and have filed the compromise application wherein the separate schedules have been prepared showing the allotment of properties in the share of each of the parties. The objection raised by the office is that appellant No.3 has not signed the compromise application. However, from perusal of the compromise application at page 17, it appears that the first signature is the signature of appellant, Bindo



Singh. The office has next pointed out the defect that the appellant No.1 has not signed the compromise application. At paragraph 5 of the compromise application, it is stated the appellant No.1 has died and in his place legal representatives of the appellant No.1 have signed the compromise application who are already on record. From perusal of the memo of appeal also, it appears that appellant No.2, 3 are the sons of appellant No.1. Thus the defect pointed out by the office are hereby ignored.

Since the parties have compromised their dispute and the compromise application has been filed and there is no impediment in the way of recording the compromise between the parties, the compromise application is accepted. Since property has already been allotted by preparing schedules in the name of separate branches, no further proceeding is required to be taken by the parties for recovery of possession as according to the learned counsels for both the parties the parties have come in possession of their respective cases.

In the result, this First Appeal is allowed in terms of the compromise. The compromise application shall form part of the final decree.

Sanjeev/-

(Mungeshwar Sahoo, J)

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