

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.477 of 1978

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Bajnath Singh And Ors

.... Appellant/s

Versus

Jhalakdeo Singh And Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Prabhunath Roy

Mr. Lalit Kishore

Mr. Mritunjay Pd.Singh -2

Mr. Mritunjay Pd. Singh No-2

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

9 19-05-2017 Heard the learned counsel, Mr. Binod Kumar Singh, for the appellants and the learned counsel, Mr. Mritunjaya Prasad Singh, for the respondent on the interlocutory application No.9808 of 2016.

This compromise application has been filed under Order XXIII Rule 3 of the Code of Civil Procedure by the parties. Subsequently, an affidavit to this compromise application has also been filed jointly wherein it is stated that the appellant No.1 and 2 have died and their heirs are already on record who have entered into compromise and the respondent No.3 has died issueless, therefore, he has not signed the compromise application. Both the learned counsels have already signed the compromise application and affidavits have been filed by the parties.



This First Appeal arises out of partition suit against the preliminary judgment and decree. According to the parties, they have compromised their dispute outside the Court and compromise application has been filed wherein schedules have been prepared with respect to the property showing which property is allotted in the share of whom. There is no impediment in the way of recording the compromise between the parties. Therefore, this compromise application is accepted. The First Appeal is decreed and allowed in terms of the compromise.

Let a final decree be prepared and it is made clear that the compromise application shall form part of the final decree.

(Mungeshwar Sahoo, J)

Sanjeev/-

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