

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.197 of 1976

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Mathura Singh & Ors.

.... Appellant/s

Versus

Eknam Kuer & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadh Kishore Pd.
Mr. Binod Kr. Sinha
Mr. Gopal Jee
Mr. Kamla Pd. Roy
Mr. Ram Chandra Pd. Sah
Mr. Manju Sinha
For the Respondent/s : Mr. Mahesh Pd.-2
Mr. Ramashish
Mr. Shidhendra Nr. Singh
Mr. Birendra Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

126 16-11-2017

Heard both sides and perused the record.

The defendants before the court below have filed this appeal against the judgment and decree dated 27.02.1976 passed by First Additional Sub Judge, Gaya in Partition Suit No. 22 of 74/24 of 69. The suit filed by plaintiffs was decreed and the plaintiffs were held entitled to 1/4 share in the properties mentioned in Schedule A and C and, 1 anna 4 pies share in Schedule B of the plaint. The defendants nos. 20 to 32 jointly filed written statement but they did not contest the suit. The suit was decreed *ex parte* against them and they have not challenged the decree by filing appeal or cross appeal.

The appellants and contesting respondents have



entered into compromise. They have filed a compromise petition vide I.A. No. 6010 of 2017 under Order XXIII Rule 3 read with section 151 of Code of Civil Procedure. The appellants and respondents have filed supplementary affidavits also. The office has reported that the compromise petition is out of defect. The contesting parties have settled their dispute to their full satisfaction. As such the I.A. No. 6010 of 2017 is accepted. The terms and conditions of I.A. No. 6010 of 2017, and supplementary affidavits filed on behalf of both the parties shall form part of decree.

The appeal stands disposed of in the above terms.

No order as to costs.

(Sanjay Kumar, J)

Mahesh/-

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