

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.87 of 1990

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Kapileshwar Rai & Ors.

.... Appellant/s

Versus

Ram Deni Rai & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kr. Pd.
Mr. Dronacharya

For the Respondent/s : Mr. Arun Kr.Pd.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

34 24-03-2017 Heard learned counsel Mr. Dronacharya for the appellants and learned counsel Mr. Pramod Kumar for the respondents on the Interlocutory Application No.7246 of 2016.

This is a compromise application filed by the parties. All the parties aforesaid have signed and affidavit in support thereof has also been filed. It is submitted by the learned counsels for the appellants as well as the respondents that respondent nos.5, 6 and 7 herein are the purchasers from the compromising party and in fact purchasers are in possession of their respective properties, which they have purchased. The compromise is not entered into between the parties with respect to the properties which the defendants-respondent nos.5, 6 and 7 have purchased and are in possession. Both the learned counsels submitted that in view of the above facts and circumstance of the cases the first



appeal may be disposed of in terms of the compromise.

From perusal of the record, it appears that this first appeal arises out of a partition suit. Parties are descendents of two brothers and both the parties have now compromised their dispute and compromise application has been filed showing the shares of each party and for that no measurement is necessary. It is agreed by the parties that the purchasers will remain in possession of the property which they have purchased. According to the office note, there is no defect in the application. Now, therefore, there is no impediment in the way for recording the compromise.

Thus, I hereby accept the compromise between the parties and, accordingly, this first appeal is allowed in terms of compromise. The compromise application i.e. Interlocutory Application No.7246 of 2016 shall form part of final decree. Let final decree be prepared, accordingly.

(Mungeshwar Sahoo, J)

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