

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.81 of 2014

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Uma Shankar Gupta, Son of Late Motilal Gupta, Resident of Mohalla- Choti Khagaul, P.O. and P.S.-Khagaul, District-Patna having his business premises at Jairam Bazar, P.O.and P.S.-Khagaul, District Patna in the name and style of M/S Motilal Jewellers.

.... Petitioner/s

Versus

Srimati Shalini Agrawal, Wife of Sri Ravi Agrawal through her duly constituted attorney Sri Ravi Agrawal, Son of Sri Raj Kumar Agrawal, resident of Mohalla- Jairam Bazar, Khagaul, P.S.and Khagaul, District-Patna.

.... Respondent.

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Appearance :

For the Petitioner/s : Mr. Raj kishore prasad singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 13-02-2017

Heard Mr.Ganpati Trivedi, learned senior counsel appearing on behalf of the petitioner and Mr.J.S.Arora, learned senior counsel appearing on behalf of the sole opposite party.

Learned senior counsel for the petitioner has pressed the interlocutory application (I.A.No.6264/2016) which has been filed for substitution of the sole heir and legal representative of the deceased sole petitioner.

Learned senior counsel for the opposite party has no objection to the prayer, as made in the interlocutory application.

Accordingly, the prayer for substitution of the sole heir and legal representative of the deceased sole petitioner, as mentioned in paragraph-3 of the interlocutory application, is allowed



and the sole heir and legal representative of the deceased sole petitioner is substituted in his place after expunging his name from the revision application.

The learned senior counsel for both parties have submitted that the parties have settled their dispute and accordingly interlocutory application (I.A.No.7502/2016) has been filed under Order 23 Rule 3 of the C.P.C praying for disposal of this revision application in terms of the compromise, as incorporated in the said interlocutory application.

During the course of submission, however, it has been pointed out by the learned senior counsel for the opposite party that the petitioner has accepted the reasonable requirement of the opposite party for the suit premises and has agreed to vacate the suit premises and will hand over the vacant possession on 30.06.2017. It has, therefore, been submitted that this revision application may be disposed of in terms of the said stand and undertaking by the petitioner.

Mr. Trivedi, learned senior counsel appearing for the petitioner has accepted the fact of settlement between the petitioner and the opposite party, as mentioned in the interlocutory application and has also accepted that the petitioner has undertaken to vacate the suit premises by 30.06.2017 and will hand over the vacant



possession to the opposite party by the said date.

After considering the submissions and the averments made in the interlocutory application, this revision application is disposed of in view of the stand taken by the learned senior counsel for the parties and also in view of the fact of undertaking by the petitioner as mentioned in paragraph 3(ii) of the I.A.No.7502/2016.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2017
Transmission Date	

