

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.400 of 2016

=====

Brij Bihari Mishra S/o late Awadhesh Mishra R/o Village & P.O. - Parsonda,
P.S. Shahpur, District Bhojpur.

... .. Appellant

Versus

1. Ram Bilas Mishra S/olate Shakur Mishra R/o Village & P.O. - Parsonda, P.S. Shahpur, District Bhojpur.
2. shiv Vikhi Mishra
3. Tarkeshwar Mishra Both are sons of late Awadhesh Mishra R/o Village & P.O. - Parsonda, P.S. Shahpur, District Bhojpur.

... .. Respondents

=====

Appearance :

For the Appellant	:	Mr. Sanjay Kumar Pandey Mr. Vishwajeet Kumar Mishra
For Respondent No. 1	:	Mr. Arun Kumar Pandey
For Resp. Nos. 2 & 3	:	Mr. Ashutosh Tripathy

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 31-10-2017 The appellant and the respondents have filed a joint application, under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908, being I. A. No. 6714 of 2017, from which it appears that the parties have entered into a compromise, as stated in paragraphs 4 and 5 thereof, which read thus:-

“4. That in the land in dispute under new Khata No. 228, Khesra No. 519, having area of 25 decimals, from the side of east has been given in possession of appellant/plaintiff with respondent no. 2 and 3. The appellant/plaintiff with respondent no. 2 and 3 will jointly possess the said land with their full right and title and



will use for their own and also get it mutated and registered in their name with the Government and will receive the rent receipt to their own name. The respondent no. 1 or his heir have no objection in this said settlement nor it will happen in future. The detail of this land settlement is being given in schedule no. 1 of this compromise petition.

5. That the property as shown in Schedule No. 2 of compromise, the land in dispute under new Khata No. 228, Khesra No. 519, having area of 25 decimal from the side of west is being given in possession of respondent/defendant, namely, Ram Bilas Mishra, which he may use and get it registered and mutated in his own name and will get rent receipt. The appellant/plaintiff or his heirs and respondents have no objection for the same and even not in future.”

Accordingly, a prayer has been made for award of decree according to the share, as described in paragraphs 4 and 5 and Schedule 1 and 2 of the said I. A. No. 6714 of 2017. Schedule 1 and 2 to the compromise petition read thus:-

“Schedule (1) One

The land given in joint possession of appellant/plaintiff, namely, Brij Bihari Mishra and respondents, namely, Shiv Bhikhari Mishra and Tarkeshwar Mishra and will continue.



In village – Bahruwar, Police Station –
Shahpur, Thana No. 19, District – Bhojpur.

New Khata No.	New Khesra No.	Area
228	in 519	A. D.
		0-25 decimal
		From East

Schedule (2) Two

The land given in joint possession of
respondent/defendant, and will continue.

In village – Bahruwar, Police Station –
Shahpur, Thana No. 19, District – Bhojpur.

New Khata No.	New Khesra No.	Area
228	in 519	A.D.
		0-25 decimal
		From West”

I have heard learned Counsel for the appellant and learned
Counsel representing the respondents.

This appeal is disposed of in terms of the compromise
entered into between the parties, as recorded above.

Let a decree be prepared accordingly.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

U	✓		
---	---	--	--

