

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No. 225 of 2011

- =====
1. Smt. Munni Devi, wife of Kailash Prasad
 2. Smt. Rita Devi, wife of Pawan Kumar
 3. Kailash Prasad, son of late Agnu Lal
All resident of Mohalla Par Nawadah, Teli Tola, P.S. + Town+ District
Nawadah.

.... Appellant

Versus

Munna Kumar, son of Bal Kishun Halwai, resident of Mohalla Main
Road, P.S. + Town+ District Nawadah.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Pushkar Narain Shahi

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

5 18-10-2017 Heard the parties on I.A. No. 5025 of 2017 which has

been filed on behalf of the parties under Order 23, Rule 3 read
with Section 151 of CPC.

It is submitted on behalf of the parties that both parties
have amicably settled their dispute outside the court and a
compromise petition to this effect i.e. I.A. No. 5025 of 2017 has
been filed but at the time of filing of I.A. No. 5025 of 2017, Sri
Hans Raj, learned counsel of sole respondent could not sign the
aforesaid compromise petition and, therefore, he should be
permitted to put his signature on I.A. No. 5025 of 2017.

The office has reported that one Sanju Devi, who is not
party to this appeal, has sworn affidavit in support of compromise



petition.

It would appear from perusal of I.A. No. 5025 of 2017 that in support of compromise petition i.e. I.A. No. 5025 of 2017, all the appellants as well as sole respondent have sworn affidavit and one Sanju Devi, who happens to be wife of sole respondent, Munna Kumar has also sworn affidavit which was not at all essential. Therefore, the affidavit sworn on behalf of Sanju Devi be ignored.

Learned counsel Sri Hans Raj appearing on behalf of sole respondent is permitted to put his signature on I.A. No. 5025 of 2017 within course of the day.

In view of the aforesaid facts and circumstances, this appeal stands disposed of with this observation that I.A. No. 5025 of 2017 shall be part of impugned decree.

(Hemant Kumar Srivastava, J)

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