

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.70 of 2014

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1. Bindeshwar Rai
 2. Chandreshwar Rai
 3. Birendra Kumar All sons of Suresh Rai
 4. Suresh Rai son of late Bengali Rai
 5. Munni Devi wife of Suresh Rai
 6. Kaushilya Devi wife of Rajendra Rai All resident of village - Jhapaha
Tola, Manjhaulia Post Office, P.O. Jhapaha, Police Sation - Ahiyapur,
Muzaffarpur

.... Appellants

Versus

1. Arjun Rai son of Bengali Rai resident of village - Jhapaha, Tola,
Muzaffarpur
2. Shushila Devi wife of Yodhi Rai resident of village - Basauli (Babu
Ram) Mahpur Muzaffarpur
3. Ram Nath Rai son of late Bhaluri Rai
4. Sahdeo Rai son of Ramnath Rai Both of village - Jhapaha, tola
Manjhaulia, P.O. & Jhapaha, P.S. Ahiyapur, District - Muzaffarpur
5. Urmila Devi wife of Baidyanath Rai of village - Basauli, Mahpur,
P.O. & P.S. District – Muzaffarpur

.... Respondents

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Sinha
Mr. Shyam Sunder Pandey
For the Respondent No.1: Mr. Diwakar Prasad Karn
Mr. Chandra Shekhar Anand
Mr. Naresh Chandra Verma
Mr. Natraj Verma

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

22 18-09-2018

I.A. No.7145 of 2018

The present application has been filed under section 96 and Section 151 of the C.P.C. by the appellants who had challenged the judgment dated 27.01.2014 and decree dated 07.02.2014 passed by Sub-Judge-IX, Muzaffarpur whereby the learned court has decreed the Title Suit No.172/2008 and in which the Appeal is pending before this court. The Appellants and Respondent herein have prayed for disposal of the



present First Appeal in terms of compromise, which formed a part of the present I.A. application (Annexure-A).

Learned counsel for the appellants submits that with the intervention of well wishers, friends and other co-villagers both the parties of the suit/appeal have compromised the case after forgetting past history of litigation and also the order and judgment and decree passed by the court below.

Learned counsel for the appellants submits that in view of such facts and circumstance, the present First Appeal may be disposed of in terms of compromise petition, which has been duly signed by both the parties and fully agreed upon by the terms mentioned therein and the matter may be placed in the court below for appropriate orders. The compromise petition which is marked as Annexure-A has been duly certified by the respondents as is evident from Annexure-A itself.

Sri Chandrashekhar Anand, learned counsel appearing on behalf of respondent no.1 is also present in court today and endorses the compromise petition as has been filed by the appellants. He submits that the parties to the said suit have now compromised the matter and submits that all the parties have signed the compromise petition and therefore the present appeal may not be proceed and may be disposed of in terms of compromise petition.



Having considered the submission of the appellants as well as the respondents and upon perusal of the compromise petition, which appears to have been signed by all the parties, let the present First Appeal be disposed of in terms of compromise petition and the agreement between the parties as mentioned in the I.A. application is allowed.

The First Appeal stands disposed of.

In view of the disposal of the First Appeal, it would now be appropriate that decree be prepared in terms of compromise petition.

(Anjana Mishra, J)

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