

NATIONAL LOK ADALAT

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No. 187 of 2013

1. Rajkumar Patel S/o Late Maya Ram Patel, aged about 49 Years, Caste - Aghariya, R/o Dabahipara, Bijaur, Post- Bahtarai, P.S. Sarkanda, Tah. And Distt. Bilaspur (C.G.)
2. Raja Ram Patel S/o Late Maya Ram Patel, Aged About 46 Years, Caste - Aghariya, R/o village Dabahipara, Bijaur, Post- Bahtarai, P.S. Sarkanda, Tah. And Distt. Bilaspur (C.G.)

---- Appellants

Versus

1. Smt. Setmati Bai W/o Paras Ram Patel Aged About 47 Years D/o Late Maya Ram Patel, R/o Vill. And Post- Khamtarai, P.S. Sarkanda, Tah. And Distt. Bilaspur C.G., Chhattisgarh
2. Smt. Bedmati Bai Patel W/o Khageshwar Patel Aged About 45 Years D/o Late Maya Ram Patel, R/o Vill. Devaridih, Post And P.S. Torwa, Tah. And Distt. Bilaspur C.G., District : Bilaspur, Chhattisgarh
3. Smt. Rajkumari Patel W/o Dhani Ram Patel Aged About 38 Years D/o Late Maya Ram Patel, R/o Vill. And Post Hirri, P.S. And Tah. Masturi, Distt. Bilaspur (C.G.)

Presently R/o Sukharipali, Post- Raak, P.S. Seepat, Tah. Masturi, Distt. Bilaspur C.G., District : Bilaspur, Chhattisgarh

4. Dadhibal Patel S/o Late Munsir Aged About 45 Years R/o Dabahipara, Bijaur, Post- Bahtarai, P.S. Sarkanda, Tah. And Distt. Bilaspur C.G., District : Bilaspur, Chhattisgarh
5. State Of Chhattisgarh S/o Thru- The District Collector, Bilaspur C.G., District : Bilaspur, Chhattisgarh

---- Respondents

Shri Roop Naik, counsel for the appellants.

Shri R.K. Tiwari, counsel for respondents No.1 to 4.

A W A R D

(Passed on 08.12.2018)

The appellants Rajkumar Patel and Rajaram Patel & respondents No. 1, 2 and 3 namely Smt. Setmati Bai Patel, Smt. Bedmati Bai Patel and Smt. Rajkumari Patel respectively are present along with their respective counsel.

02. This is defendants' Second Appeal. The Respondent No.1-Plaintiff Setmati Bai had filed a suit for declaration of title, partition and separate possession over the suit property which decreed in her favour against which the present appellants filed First Appeal and the First Appeal was dismissed. Against the said judgment the defendants have preferred the present Second Appeal.

03. Pending the Second Appeal before the High Court, the parties to the dispute arrived at an amicable settlement and have filed the compromise deed before this Court in respect of the agreement.

04. By virtue of the agreement it has been agreed between the parties that Appellants shall pay an amount of Rs.5,00,000/- to respondent No.1-Smt. Setmati Bai Patel, Rs.1,00,000/- to respondent No.2-Smt. Bedmati Bai Patel and Rs.1,00,000/- to Smt. Rajkumari Patel and on receipt of such consideration, respondent Nos. 1, 2 and 3 shall relinquish their rights over the suit property, if any, in favour of appellants and defendants shall be declared the owner of the suit property. The compromise application also reveals that the amount of aforesaid consideration has already been paid by

the appellants to the respondents No. 1, 2 and 3. It has also been agreed that respondent Nos. 1, 2 and 3 shall not seek for any claim or interference over the suit property of Late Mayaram who is father of the appellants and respondents.

05. By virtue of compromise application submitted before the Lok Adalat, the title over the share of land, which is already decreed in favour of respondents, has been relinquished in favour of appellants to the extent as mentioned in the application for grant of permission for compromise. The Schedule 'A' and 'B' is part of this compromise application. Since, it is the case of relinquishment of right over the immovable property worth more than hundred rupees and, therefore, in view of provision of Section 17 (1) (e) of the Registration Act, 1908, this decree is required to be registered. Thus, this compromise is subject to get the decree registered within three months from the date of order.

06. The present second appeal is accordingly disposed of in terms of the settlement arrived at between the parties. Registry is directed to prepare a decree accordingly. Let the compromise deed also be treated as part of the decree.

Sd/-
(Rajani Dubey)
 Judge
 Lok Adalat
 High Court of Chhattisgarh
 Bilaspur

Sd/-
(Dr. N.K. Shukla)
 Member
 Lok Adalat
 High Court of Chhattisgarh
 Bilaspur