

HIGH COURT OF CHHATTISGARH, BILASPUR

FA No. 45 of 2017

1. Keshav Prasad Tiwari S/o Late Hanuman Prasad Tiwari, Caste- Brahman, Occupation- Government Servant, resident of Lohaar Gali, Telipara, Tahsil and District Bilaspur (C.G.)
2. Satish Kumar Jaiswal S/o Shri Laxman Prasad Jaiswal, Aged About 35 Years R/o Telipara, Sarju Bageecha, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh, Civil and Revenue District Bilaspur, Chhattisgarh

---- Appellants

Defendant No. 2 and 3

Versus

1. Smt. Soniya wife of Shri Jethu Sahu, daughter of late Sitaram Sahu, aged about 60 Years, resident of Chingrajpara, Ganesh Chowk, Bilaspur, Tahsil and District Bilaspur Chhattisgarh.
2. Smt. Munni Bai D/o. Jethu Sahu, W/o Late Mohan, R/o Tikrapara, Near Shiv Talkies, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh,
3. Smt. Pushpa W/o Late Raju, daughter of Shri Jethu Sahu, Aged About 45 Years, R/o Katiyapara, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh
4. Dashrath Sahu S/o Late Jethuram Sahu, Aged About 55 Years, R/o Village Sakri, Tahsil Takhatpur, District Bilaspur, Chhattisgarh

.....Def. No.1,

5. State of Chhattisgarh, Through the Collector, Bilaspur, Chhattisgarh

...Def. No.2,

---- Respondents

For the Appellants	: - Mr. B.P. Sharma with Mr. Hemant Kesharwani, Advocates
For the Respondent No.1 to 3	: - Mr. C.D. Sharma, Advocate
For the Respondent No. 4	: - Mr. K.K. Dewangan, Advocate
For the Respondent No. 5.	: - Mr. Shashank Thakur, Govt. Advocate

Shri Justice Prashant Kumar Mishra
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board By
Prashant Kumar Mishra, J.

05.10.2018

1. Appellants Keshav Prasad Tiwari and Satish Kumar Jaiswal are present along with their counsels Shri B.P. Sharma and Shri Hemant Kesharwani.
2. Respondent No.1 Smt. Soniya, W/o. Late Sitaram Sahu, D/o. Jethu Sahu (wrongly mentioned in the cause title as D/o. Sitaram Sahu), Respondent No. 2 Smt. Munni Bai, D/o. Jethu Sahu, and Respondent No.3 Smt. Pushpa W/o. Raju, are present alongwith their counsel Shri C.D. Sharma.
3. Respondent No.4 Dashrath Sahu is present with his counsel Shri K.K. Dewangan and the respondent No.4 State of Chhattisgarh is represented by Shri Shashank Thakur, Government Advocate.
4. Heard learned counsel for the parties on application under Order 23 rule 3 read with section 151 CPC for recording the compromise and passing decree in terms of compromise.
5. The appearing parties have been identified by their respective counsels. The parties would stand by the terms of compromise as mentioned in the application under Order 23 rule 3 read with section 151 CPC.
6. In the compromise petition, respondents No. 1 to 3 have acknowledged that the suit land shall belong to the appellant No. 1 and 2 and further that they shall have no right, title or interest nor shall they object to the sale deeds dated 20.03.2013 executed by respondent No. 4 Dashrath Sahu in favour of the appellant No.1 (Keshav Prasad Tiwari) and

appellant No.2 (Satish Kumar Jaiswal). Respondent No. 1 to 3 have also abandoned their claim for the remaining area of the subject khasra after execution of the sale deed in favour of the appellants. They have acknowledged that the suit land was the exclusive property of respondent No. 4 Dashrath Sahu.

7. Although, it is not mentioned in the deed of compromise but the respondent No. 1 to 3 have admitted before the Court that respondent No. 4 Dashrath Sahu has adequately compensated them in lieu of their abandonment of claim over the suit property in his favour.
8. In view of the above, I.A. No. 3 of 2018 for passing decree in terms of compromise is allowed. The terms mentioned in paragraph-6 above, shall form part of the decree. Accordingly, The appeal stands allowed in the above stated terms.
9. The judgment and decree passed by the trial Court is set aside and instead the decree is passed in terms of compromise.
10. Decree be drawn accordingly.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Vimla Singh Kapoor