

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.245 of 2013

1. Md. Akramul Haque
2. Md. Anwarul Haque
3. Md. Inamul Haque All sons of Late Haji Hafi Md. Kasim, All residents of Village Singha Chawri Tole Dharam Gachhi, P.S. Nanpur, District Sitamarhi
4. Razia Khatoon, Wife of Abdul Razique, Resident of Village Manhali, P.S. Jale, District Darbhanga.

... .. Defendants... ..Respondents... ..Appellants
Versus

1. Md. Salim, Son of Late Md. Hasim, Resident of Village Singha Chawri Tole, Dharam Gachhi, P.S. Nanpur, District Sitamarhi
... ..Plaintiff... ..Appellant... ..Respondent
2. Md. Idris, Son of Haji Hafiz Md. Kasim, Resident of Village Singha Chawri Tole, Dharam Gachhi, P.S. Nanpur, District Sitamarhi
3. Akhtarun Nisha, Wife of Md. Salim, Resident of Village Singha Chawri Tole, Dharam Gachhi, P.S. Nanpur, District Sitamarhi

... .. Defendants... ..Respondents... ..Respondents

Appearance :

For the Appellant/s : Mr.Md. Anisur Rahman
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 15-02-2019 Heard the learned counsel for the respondents on I.A. No.7783 of 2017.

The appellants and respondents filed the aforesaid I.A. and state that they have compromised the case. In view of the compromise, let this appeal be disposed of and the decree be prepared in terms of the compromise.

The plaintiff-respondents filed Partition Suit No.93 of 1998 for partition and claiming half share in the property mentioned in the schedule of the plaint but the suit was dismissed. The plaintiff filed Title (Partition) Appeal No.18 of 2010/08 of 2012 and the appeal was allowed holding that the plaintiff is entitled to get half share in the suit property mentioned in Schedule I of the plaint and



accordingly, judgment and decree passed by the trial court in Partition Suit No.93 of 1998 was set aside. The defendants-appellants filed this appeal. During the pendency of the appeal, the appellants and the plaintiff-respondent filed compromise petition.

Learned counsel for the respondents submits that the plaintiff-respondent would have no claim of any right, title and interest in the suit land, which shall be held exclusively by the defendants-appellants as an absolute owner and they should remain in possession without any interference by the plaintiff-respondent. It has further been agreed that the plaintiff-respondent or their heirs and legal representatives shall have no claim of any right, title and possession over the suit land and the cost of the suit shall be borne out by the respective parties.

Learned counsel for the plaintiff-respondent submits to accept the compromise petition.

I.A. No.7783 of 2017 stands allowed.

In this view of the fact, the second appeal is disposed of in terms of the compromise as fully mentioned in sub-para B and C of para 2 of I.A. No.7783 of 2017. Let the decree be prepared accordingly.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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