

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 740 of 2019

1. Uttam Rai S/o Mohan Das Aged About 30 Years R/o Neurdi, Post Barbada, P.S. And Tahsil Dharsi, District- Raipur, Chhattisgarh
2. Smt. Anjali Rai W/o Shri Ganesh Ram Ghritlahre Aged About 25 Years D/o Mohan Das, R/o Village Bhaisa Tahsil Arang, District- Raipur, Chhattisgarh

---- Petitioners

Versus

1. Mohan Das Rai S/o Late Firangi Das Rai R/o Ward No. 04, Gurughasi Das, Ward Tilda, P.S. Newra, Tahsil Tilda, District- Raipur, Chhattisgarh
2. Smt. Shanti Bai W/o Shri Mohan Das Rai Aged About 50 Years
3. Smt. Santoshi Bai D/o Shri Mohan Das Rai Aged About 30 Years
4. Ku. Laxmi D/o Mohan Das Rai Aged About 18 Years
5. Minor Devnath S/o Shri Mohan Das Rai Gurdian

(All respondent No.2 to 5 are r/o Ward No. 04, Gurughasi Chowk, Behind Surya Bar, Tahsil District- Raipur, Chhattisgarh)

6. State Of Chhattisgarh Through Collector, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner : Mr. C.R. Sahu, Advocate.

For State/respondent : Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-10-2019

Heard.

1. This petition has been brought under Article 227 of the Constitution of India challenging the order dated 13.05.2019 passed by the trial Court under Order 43 Rule 1 of C.P.C. dismissing the Misc. Appeal No.31/2019.

2. Learned counsel for the petitioner submitted that petitioners are plaintiffs in Civil Suit No.3A/2017 which is pending before the Court of Civil Judge Class III, Tilda, District- Raipur, C.G. During the pendency of the suit, application of compromise was filed by both the parties under Order 23 Rule 3 of C.P.C. Further, the private respondents/defendants made a statement to withdraw from the compromise on the basis of which the compromise application was rejected by the trial Court on 29.03.2019, challenging this order in Misc. Appeal No.31/2019 was filed before the trial Court which has been dismissed by the impugned order, therefore, this petition has been filed praying for setting aside the impugned orders passed by the First Appellate Court and also the order of the trial Court.
3. Learned counsel appearing on behalf of respondent No.6/State makes formal objection.
4. On going through the order passed by the trial Court and the impugned order, it is found that the application for compromise was filed by both the parties but before the compromise could be recorded by the trial Court and any decree could be passed on that basis, the private respondents/defendants have withdrawn from the compromise, therefore, the petition was rejected. Therefore, there is no such law to compel any of the parties to go with the compromise statement made before it is recorded and ordered by the Court concerned and any such application filed and withdrawn also does not create any kind of estoppel, therefore, no fault can be found with the orders passed by the court. Hence, this petition is dismissed and disposed off.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge