

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.222 of 2007

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1. Smt. Rita Devi, wife of Late Sachindra Kumar, Roy, resident of Mohalla Danka Kuncha, Police Station Khajekalan, Post Office Jhauganj, Patna City, Patna-800008
 2. Vishal Chandra, son of Late Sachindra Kumar, Roy, resident of Mohalla Danka Kuncha, Police Station Khajekalan, Post Office Jhauganj, Patna City, Patna-800008
 3. Radha Chandra, minor daughter of Late Sachindra Kumar, Roy, under the guardianship of mother Smt. Rita Devi, wife of Late Sachindra Kumar, Roy, resident of Mohalla Danka Kuncha, Police Station Khajekalan, Post Office Jhauganj, Patna City, Patna-800008
 4. Gaurav Chandra, minor son of Late Sachindra Kumar, Roy, under the guardianship of mother Smt. Rita Devi, wife of Late Sachindra Kumar, Roy, resident of Mohalla Danka Kuncha, Police Station Khajekalan, Post Office Jhauganj, Patna City, Patna-800008
 5. Saurav Chandra, minor daughter of Late Sachindra Kumar, Roy, under the guardianship of mother Smt. Rita Devi, wife of Late Sachindra Kumar, Roy, resident of Mohalla Danka Kuncha, Police Station Khajekalan, Post Office Jhauganj, Patna City, Patna-800008

... .. Appellant/s

Versus

1. SRI HARIHAR PRASAD
 2. Sri Arun Kumar
 3. Sri Ajoy Kumar
 4. Sri Vijay Kumar
 5. Sri Kanhaiya Lal
- All sons of Late Ram Swarup Shah, resident of Mohalla Nagla, Main Road, Police Station Malsalami, Post Office Jhauganj, Patna City, Patna-800008
6. Deepak Kumar Roy
 7. Dilip Kumar Roy
 8. Asha Kumar Roy @ Munni Devi Roy

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. J. S. Arora, Sr. Adv.
For Res. Nos. 1-5	:	Mr. Satish Chandra Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

30 09-12-2021 Heard learned Senior Counsel for the appellants and
learned Counsel for the respondent nos. 1 to 5.

I. A. No. 08 of 2019 has been filed, under Order
XXIII Rule 3 of the Civil Procedure Code, 1908, for disposal of



the appeal, in terms of the compromise arrived at between the parties.

Title Suit No. 198 of 2003 was filed by the plaintiff-respondents before the Sub Judge II, Patna City, Patna, for a decree of specific performance of contract, arising out of an agreement for sale of a property, the details of which has been mentioned in the schedule of the plaint and decree. The said suit was decreed in favour of the plaintiff-respondents by order, dated 07.07.2007, passed by the Sub Judge II, Patna City, Patna, and against the said judgment and decree, dated 07.07.2007, the present appeal has been filed.

While admitting the present appeal, the further proceedings of the Execution Case No. 08 of 2007, filed for execution of the decree, dated 07.07.2007, has been stayed by this Court, by order, dated 17.12.2009.

Learned Counsel for the parties, appearing before this Court submits that with the intervention of the common friends and well wishers, both the parties have arrived at an amicable settlement and the terms and condition of the settlement has been mentioned in paragraph 6 of the I. A. No. 08 of 2019. Accordingly, the submission of both the parties is that with the consent of the parties, the decree, dated 07.07.2007, under



appeal, be modified in terms and condition of the settlement arrived at between the parties, details of which has been mentioned in paragraph 6 of I. A. No. 08 of 2019.

Having heard learned Counsel for the parties and with their consent, the judgment/decreed, dated 07.07.2007, under appeal, is modified on the basis of the terms and conditions agreed upon between the parties, which are mentioned in paragraph 6 of I. A. No. 08 of 2019.

This appeal is accordingly disposed.

The compromise petition, bearing I. A. No. 08 of 2019, be made part of the decree drawn in the present appeal.

Any other interlocutory application(s), if any, is also disposed accordingly.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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