

11.01.2021
Ct. No.9
S/L No.1
KS

FMA 878 of 2004
With
IA No. CAN 1 of 2004 (Old No. C.A.N. 4821 of 2004)
IA No. CAN 4 of 2010 (Old No. C.A.N. 9066 of 2010)
IA No. CAN 5 of 2017 (Old No. C.A.N. 9281 of 2017)
IA No. CAN 6 of 2018 (Old No. C.A.N. 6415 of 2018)

Smt. Renuka Pal & Ors.
-Vs.-
Sri Manick Chandra Das & Ors.
(Via Video Conference)

Mr. Chittapriya Ghosh
Mr. Samir Kr. Adhikari
Mrs. Priyanka Saha
.....For the Appellants
Mr. Subrata Ghosh
Mr. Sayantan Hazra
.....For the Respondents

Affidavit has been filed in compliance with the earlier order of this Court which is kept in the record to this effect that original sole appellant namely, Shib Sankar Pal (since deceased) had filed this appeal against the judgment and decree dated 05.10.2000 passed by the learned Fast Track, 2nd Court, Suri, Birbhum in Title Appeal No.69 of 2000 by reversing the judgment and decree dated 16.04.2000 passed by learned Civil Judge (Junior Division), Suri, Birbhum in Title Suit No.71 of 1994 and remanded for fresh trial filed in the instant appeal before this Court being F.M.A. No. 878 of 2004.

The settlement has been arrived by and between the parties in terms of the settlement noted in application being, C.A.N. No.9281 of 2017 filed by both the parties in connection with this appeal.

Now, the application being, CAN 9281 of 2017 filed for compromise is taken up for hearing and consideration.

Heard learned advocates for both the parties.

It is submitted that the Solenama has been solemnized and signed by all the parties to the appeal on being apprised of the terms of settlement arrived at by them.

Due to the dispute and differences between the parties Title Suit No. 71/1994 was filed in the Court of Civil Judge (Junior Division), Suri, Birbhum. After trial, the suit was dismissed by judgment and order dated 14.06.2000. An appeal being, T.A. No.69 of 2000 was filed in the Court of Fast Track, 2nd Court, Suri in connection with the plot No.454, bearing recorded area 15 satak situated in Mouza Faijullabad, J.L. No.96 of 2000 of district Birbhum, West Bengal and the said appeal being, Title Appeal No.69 of 2000 was allowed vide judgment and order dated 05.10.2000 by setting aside the decree passed in Title Suit No.71 of 1994.

Instant appeal being F.M.A. No.878 of 2004 has been filed for reversal of the judgment and order passed in said Title Appeal by the F.T.C., Suri.

Now the parties have mutually settled the dispute as per the terms mentioned in paragraph 4,5,6,8,9, 10 and 11 of the application. Upon hearing the learned advocates for the parties, and on perusal of petition of compromise, terms of settlement appears to be legal, valid and sufficient.

Hence, let there be a decree in terms of prayer of compromise. Accordingly, the first appeal being, F.M.A. 878 of 2004 be allowed and appeal be decreed in terms of the compromise. The terms of compromise being, CAN 9281 of 2017 do form part of the decree.

Thus, FMA 878 of 2004 and IA No. CAN 5 of 2017 (Old No. C.A.N. 9281 of 2017) are disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Shivakant Prasad, J.)