

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.619 of 2016

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1. Hardeo Rai, male, Son of Rajdeo Rai.
 2. Smt. Parwati Devi @ Parwati Rai, D/O Rajdeo Rai.
 3. Smt. Dhaneshwari Devi D/O Rajdeo Rai. All resident of village- Pakohi Khas alias Pakri Pakohi, P.S. Kanti, District – Muzaffarpur
 4. Mahipat Rai, S/O Late Ram Dayal Rai (Since Deceased).
 5. Sangeeta Kumari @ Sangeeta Devi, D/O Mahipat Rai.
 6. Dinesh Rai.
 7. Anish Rai.
 8. Upendra Rai. All sons of Late Mahipat Rai, resident of village- Bahadurpur, P.S. Goraul Mofassil, District- Vaishali.

.....Plaintiff- Respondent- Appellant/s

Versus

1. Ram Dulari Devi, D/O Kritdeo Rai, W/O Ram Briksh Rai, resident of village- Galempur Bahhau, P.S. Madhuban, District- East Champaran (Since Deceased)
1. (i) Birendra Rai
- 1 (ii) Munna Rai both sons of Ram Dulari Devi, resident of village- Galempur Bahhau, P.S. Madhuban, District- East Champaran.
2. Jawahar Rai, son of Kritdeo Rai, resident of village + P.O. - Pakohi Khas @ Pakri Pakohi, P.S. Kanti, District – Muzaffarpur.

... .. Defendant - Appellant- Respondent/s

Appearance :

For the Appellant/s : Mr. Shyam Sunder Pandey, Advocate
For the Respondent/s : Mr. Nachiketa Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 25-07-2022 Learned counsel for the appellants submits that appellant no. 4, Mahipat Rai has died during the pendency of this memo of appeal and his legal heirs mentioned at Sl. No. 5 to 8 in the memo of appeal are already on record. In this regard he has filed a supplementary affidavit which is already on record.

Learned counsel for the respondents has no objection in this regard.

In view of the submission of learned counsel for the parties and the averments made in the supplementary affidavit, the



name of the appellant no. 4, Mahipat Rai be treated as deleted from the memo of appeal.

Learned counsel for the appellants filed the hard copy of the **I.A. No. 2 of 2021** and pointed out that appellant no. 1 has already signed on page no. 8 of the I.A. No. 2 of 2021. The interlocutory application is supported by the affidavit of Shri Hardeo Rai and Jawahar Rai alias Jawahar Lal Yadav.

Learned counsels for both the parties submit that the parties have entered into compromise and settled the dispute amicably and in view of the compromise, this memo of appeal may be disposed of in terms of the compromise.

Having heard learned counsel for the parties and considering that both the parties have amicably settled the matter, as prayed for, this **second appeal is disposed of** in terms of the compromise petition and the same be the part of the decree.

I.A. No. 2 of 2021 is, accordingly, allowed.

(Sunil Dutta Mishra, J)

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