

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.19 of 2017

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1. Gita Devi Wife of Late Rameshwar Nath Singh
 2. Raunak Kumar
 3. Raushan Kumar @ Roshan Kumar
Both sons of Late Rameshwar Nath Singh.
 4. Kusum Devi @ Kushma Devi, Wife of Amrendra Kumar, All residents of village and post - Pandey Patti, Police Station - Buxar (M), District - Buxar
 5. Prema Devi, Wife of Brij Bilas Singh Yadav and daughter of Late Rameshwar Nath Singh, resident of village - Diwan Ke Barka Gaon, Post and Police Station Sikraul, District - Buxar

... .. Appellant/s

Versus

Duniya Prasad Singh Son of Late Kawaladhari Singh, resident of village and Post - Pandeypatti, Police Station Buxar (M) , District - Buxar, at Present resident of Quarter No. 102, Shilpa Co - Operative Housing Society D Cabin, Sabarmati, Ahmadebad – 19

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Bibhakar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 23-08-2022 Heard Mr. Sanjay Kumar, learned counsel for the appellants and Mr. Bibhakar Tiwary, learned counsel for the respondent.

It is jointly submitted by learned counsels appearing for the parties that I.A. no.2 of 2022 has been filed in the instant appeal online on 16.8.2022 under Order XXIII Rule 3 of the Code of Civil Procedure praying therein to accept and allow the



petition and dispose of the present F.A. no.19 of 2017 in terms of the compromise arrived at between the parties as mentioned in paragraph nos.4, 5 and 6 of the petition. It is further submitted that the application has been affidavited by all the five appellants as also the sole respondent. As the copy of the above interlocutory application (compromise petition) is not on record, the filing of the original application (compromise petition) is accepted in Court. Let the same be taken on record.

Paragraph nos.4, 5 and 6 of the petition are being quoted herein below for ready reference:

“4. That the description of the disputed land which was transferred by Rameshwar Nath Singh to Gita Devi through sale deed dated 7.7.2011 and which is mentioned in Schedule-2 of T.S. no.131 of 2012 is mentioned herein below:-

<u>Khata No.</u>	<u>Plot No.</u>	<u>Area</u>
324	2015	78 decimals

Mauza-Pandey Patti

Thana and Anchal-Buxar

District-Buxar.

Boundary

North- Kedar Nath Singh

South- Duniya Prasad Singh

East- Kanhaiya Choubey

West- Dayanand Sinha



5. That in terms of compromise/settlement between the parties, ie; appellants and respondent the aforesaid land measuring 78 decimals would go to the share of appellants. The respondent would have no claim over the said land.

6. That the parties have agreed that the appellants will have absolute title and possession over the aforesaid land mentioned in paragraph-4 of this compromise petition which has fallen in their share as a consequence of compromise/settlement and henceforth the dispute among the parties is settled forever. This compromise petition would be binding on the parties and their respective successors.”

It is further submitted that on earlier occasion, the appellants and respondent have jointly filed I.A. no.9701 of 2018, also a joint compromise petition, but the parties are not pressing the same.

Having heard learned counsel for the parties and in view of the interlocutory application (compromise petition) taken on record, the prayer made in the application is allowed. The appeal is disposed of in terms of the joint compromise petition more particularly paragraph nos.4, 5 and 6 thereof quoted herein above.



The office is directed to draw up a decree in terms of
the compromise petition.

The appeal stands disposed of.

(Partha Sarthy, J)

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