

01.07.2022
Item No.22
Court No.32
Avijit Mitra

FA 121 of 2019
with
IA No. CAN 1 of 2017 (Old No.CAN 5264 of 2017)
with
IA No. CAN 2 of 2019 (Old No.CAN 533 of 2019)
with
IA No. CAN 3 of 2019 (Old No.CAN 11564 of 2019)

Sri Anand Prosad Show & anr.
- Versus -
Sri Sushil Kumar Ghosh & anr.

Mr. M.P. Gupta,
Mr. Ayan Mitra,
Mr. Chandan Mondal,
Ms. Antara Panja
...for the appellants/petitioners

The present appeal has been preferred challenging the judgment and decree dated 30th March, 2017 passed in Title Suit No.188 of 2013.

In connection with the appeal, an application being IA No. CAN 3 of 2019 (Old No.CAN 11564 of 2019) has been jointly filed by the parties for disposal of the instant appeal and the applications on the basis of the settlement as arrived at between the parties on 29th July, 2019.

Heard Mr. Gupta, learned advocate appearing for the appellants/petitioners.

Records reveal that a suit for specific performance of contract and permanent injunction was preferred by the respondent no.1 herein. The said suit was decreed on contest against the defendant nos. 2 and 3 and *ex parte* against the defendant no.1. Thereafter, the present appeal was preferred by the defendant nos. 2 and 3. The appeal along with the connected applications came up

for hearing before a Coordinate Bench of this Court and by an order dated 17th July, 2019, it was *inter alia* suggested that the parties should go for mediation for speedy and amicable settlement. Such suggestion was accepted by the parties and in view thereof, the matter was sent for mediation. The parties duly appeared before the Mediator and a settlement was arrived at. It was, *inter alia*, agreed by and between the parties that the plaintiff/respondent no.1 shall vacate the premises within three months from date and take the entire sum of Rs. 34 lacs from the defendant no.2 and 3/appellants, at the time of vacating, by pay order drawn on State Bank of India and that thereafter the parties will have no further claims and/or demands against each other with respect to the suit/claim/proceedings filed by the parties. The final report on mediation was filed by the Mediator along with the settlement agreement.

As the parties have amicably settled their dispute, the appeal and the connected applications are disposed of on compromise as per the terms and conditions stated in the agreement dated 29th July, 2019.

The department is, accordingly, directed to draw up the decree as per the terms and conditions stated in the agreement dated 29th July, 2019 and the said agreement be treated as a part of the decree.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Raja Basu Chowdhury,J.) (Tapabrata Chakraborty J.)