

**F.M.A. 131 of 2007
With
CAN 4 of 2019(CAN 5362 of 2019)
With
CAN 5 of 2021**

**Sukdev Goswami
Vs.
Shanti Lata Goswami & Ors.**

**Mr. Syed Nurul Aregin
Mr. Rahul Singh** ... **For the Appellants.**

Mr. Debasish Roy .. **For the Respondents.**

Re: CAN 4 of 2019

This application CAN 4 of 2019 disclosing the death of Shanti Lata Goswami on 10th February, 2015, the respondent no. 1/defendant is allowed by recording her death and observing that her legal heirs and representatives are already on record as stated in paragraph 8 of the application.

The department is directed to carry out this amendment in the cause title and wherever necessary in the papers of the proceedings within four weeks of communication of this order. The application (CAN 4 of 2019, Old No. CAN 5362 of 2019) is thus disposed of.

Re: CAN 5 of 2021

S.D.

Earlier today we allowed the application (CAN 4 of 2019), recording the death of Shanti Lata Goswami on 10th February, 2015 and observing that her legal heirs and representatives were on record.

We directed the department to amend the cause

title and other papers in the appeal where necessary within four weeks of communication of this order.

This application (CAN 5 of 2021) has been taken out jointly by the parties for recording the terms of compromise between them and for passing the final decree in the partition suit.

At the outset we observe that the application has been framed as if the above amendments have already been carried out. We direct that for the purposes of this application it is to be deemed that the above amendments have been carried out.

We have perused the terms of compromise at paragraph 8 of the petition. In our opinion, they are lawful.

We allow this application (CAN 5 of 2021) by directing that a final decree for partition be drawn up on the basis of the terms of settlement at paragraph 8 of the petition.

The department is directed to draw up the decree and issue a certified copy thereof to the parties as expeditiously as possible.

The application CAN 5 of 2021 is thus disposed of.

(I.P. Mukerji, J.)

(Aniruddha Roy, J.)

