

IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.14 of 2018

Mahadei Sahoo & Others *Appellants*
Mr. Dayananda Mohapatra, Advocate
-versus-
Sabitri Sahoo & Others *Respondents*
Mr. Sidharatha Mishra, Advocate

CORAM:
MR. JUSTICE D.DASH

ORDER
02.09.2022
R.S.A. No.14 of 2018
&
I.A. No.128 of 2021

Order No.

11. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The Appellants, by filing this Appeal under section 100 of the Code of Civil Procedure (for short called as 'the Code) have assailed the judgment and decree passed by the learned Additional District Judge, Kamakhyanagar in R.F.A. No.34 of 2015. By the same, the Appeal filed by the Respondent Nos.1 to 6 being the aggrieved Defendants under section 96 of the Code has been allowed and thereby the judgment and decree passed by the learned Civil Judge (Sr. Division), Kamakhyanagar in Civil Suit No.60 of 2013 have been set aside and these Appellants (Plaintiffs) have been non-suited.
3. This Appeal having been admitted by order dated 06.04.2018, the parties have filed an application under Order-23 Rule-3 of the Code for its disposal in terms of compromise arrived at as per the terms and conditions reflected therein.

4. Mr. D. Mohapatra, learned counsel for the Appellants and Mr. S. Mishra, learned counsel for the Respondents submit that on the intervention of their friends and well-wishers, the parties having amicably resolved the dispute giving rise to the litigation have filed this application for disposal of this Second Appeal in terms of the compromise recorded therein. They submit that said application has been written under the instruction of the parties and they having gone through the contents of the same and finding those to have been correctly written have signed thereon and have sworn the affidavits to that effect.

Referring to the terms and conditions of the settlement as indicated in the application, it is contended that those are quite fair and reasonable.

5. They submit to have been authorized to admit the compromise on behalf of the parties.

6. Keeping in view the submissions made; the application containing the signatures of the parties duly identified by the Advocates and supported by affidavits being gone through, this Court finds no such reason to say that the same is not lawful.

In that view of the matter, the prayer as advanced in the application being accepted, this Appeal stands disposed of in terms of the compromise arrived at by the parties concerning the subject matter of the suit as so stated in detail in the Application. The Compromise Application shall form part of the decree.

7. The Appeal as also the I.A. are accordingly disposed of. No order as to cost.

(D. Dash)
Judge