

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No. 606 of 2014

Banshidhar Nayak

.....

Appellant

Mr. S.S. Mohapatra, Advocate

Vs.

Ananta Nayak and others

.....

Respondents

Mr. T. Sethi, Adv.

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

12.11.2022

Order No.
07.

The matter is taken up through hybrid mode in the 4th National Lok Adalat, 2022.

2. This Appeal has been filed under Section 100 of the Code of Civil Procedure, 1908 against the judgment dated 30.08.2014, passed in RFA No.66/2013(RFA No.40/11-GDC), vide which the judgment dated 30.03.2011 and decree dated 08.04.2011, passed in C.S. No.14/2010 by the learned Civil Judge (Senior Division), Khallikote, Ganjam, were confirmed.

3. The C.S. No.14/2010 was filed by the present Appellant for partition of the suit schedule property during life time of the father of the Appellant i.e. Defendant No.1 in the suit, who died during pendency of RFA No. No.66/2013(RFA No.40/11-GDC).

4. Learned Counsels for the Parties submit that during pendency of this Appeal, the Parties have entered into a settlement and a Petition under Order 23, Rule 3 of the CPC for compromise has been filed supported with Affidavits of the Appellant, so also all the Respondents. Though the such compromise Petition is not on record, learned Counsel for the Appellant produces a photocopy of the said Petition, so also the original Receipt No.58848/2022, dated 08.09.2022 to demonstrate that the said Petition has already been filed.

5. Mr. T. Sethi, learned Counsel for the Respondents, submits that though he rendered appearance on 08.08.2022 by filing Vakalatnama duly executed by the Respondents in his favour, his name in the cause list, so also in the brief has not been reflected. To demonstrate the said submission made, Mr. T. Sethi produces Receipt No.51314 dated 08.08.2022.

6. In addition to the learned Counsel for the Parties, the Appellant, so also all the Respondents are physically present.

7. The Appellant as well as all the Respondents produce their respective original Aadhaar Card, so also self-attested photocopies thereof in proof of their identity, which be kept on record.

8. All the Parties to this Appeal state that the terms of the compromise, as detailed in the joint compromise Petition dated 04.09.2022, filed on 08.09.2022, as per their instruction have been correctly depicted in the compromise Petition.

9. Accordingly, the Regular Second Appeal stands disposed of. The terms of compromise as detailed in the Petition filed on 08.09.2022 be treated as part and parcel of this Order.

10. Since the original Petition filed on 08.09.2022 is not on record, Office is directed to trace out the same and bring the same on record. The photocopies of the joint compromise Petition, so also original receipt in proof of filing of the same filed by the learned Counsels for the Parties today in the Court be kept on record.

11. Free copy of this Order be granted to the learned Counsel for the Parties.

(S.K. MISHRA, J.)
(National Lok Adalat)

