

IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.344 of 2012

Jagadish Setha @ Seta

....

Appellant

Mr. R.K. Mohanty, Sr. Advocate

Mrs. S. Mohanty, Advocate

-versus-

Surekha Bhaisal & Another

....

Respondents

Mr. B. Sahoo, Advocate

CORAM:

MR. JUSTICE D.DASH

ORDER

26.09.2022

R.S.A. No.344 of 2012

&

I.A. No.955 of 2022

Order No.

12. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. The Appellant, by filing this Appeal under section 100 of the Code of Civil Procedure (for short called as 'the Code) has assailed the judgment and decree passed by the learned Additional District Judge (F.T.C.), Sundargarh in R.F.A. No.59/54 of 2007-11. By the same, the Appeal filed by the Respondents 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), Sundergarh in Civil Suit No.29 of 2006 have been set aside.
3. This Appeal having been admitted by order dated 09.10.2012, the parties have filed an application under Order-23 Rule-3 of the Code for its disposal in view of compromise arrived at as per the terms and conditions reflected in application as at Paragraph-6 (a) to (c).

4. Mrs. S. Mohanty, learned counsel for the Appellant and Mr. B. Sahoo, learned counsel for the Respondents being present in court submit that 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 fair and reasonable and the parties having voluntarily agreed to the same have decided to go ahead accordingly.

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

5. Keeping in view the submissions made; the contents of the application signed by the parties being 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.

6. In that view of the matter, the prayer as advanced in the application stands accepted. This Appeal is accordingly disposed of in terms of the compromise arrived at by the parties 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