

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA NO.569 OF 2014

Mohammad Nazir@ Nazir **Appellant**
Mohammad

Mr.Amit Prasad Bose, Advocate
-versus-

Sk. Aslam & Others **Respondents**
Mr.Arun Ku. Mishra-2, Advocate,
(R-1 to 6)

CORAM:

MR. JUSTICE D.DASH

ORDER

09.09.2022

Order No.

I.A. NO. 200 OF 2022

14. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. This application has been filed for substitution of the legal representatives of the sole Appellant who has died on 28.12.2021.
3. Heard.
4. Considering the submission and on going through the averments taken in the Application, which has been filed in time; the prayer as has been advanced therein is allowed.

The legal representatives of sole Appellant as shown in the application are hereby substituted in place of sole Appellant as Appellant Nos. 1(a) to 1(e).

Corrected copy of the cause-title filed, is taken on record.

4. The I.A. is accordingly disposed of.

**(D. Dash),
Judge.**

ORDER
09.09.2022
RSA NO. 569 OF 2014
&
I.A. NO. 924 OF 2022

Order No.

15.

1. The parties have filed this application under Order-23 Rule-3 of the Code of Civil Procedure for disposal of the Appeal in terms of compromise as has been arrived at between them on the terms and conditions as have been reflected in the application.

All the parties except Appellant No.1(a) and 1(e), have sworn the affidavits filed with the compromise application.

6. Mr. A.P. Bose, learned Counsel for the Appellant and Mr. Arun Kumar Mishra-2, learned Counsel for the Respondent Nos. 1 to 6 are present. They submit that the parties having arrived at a compromise have filed this application indicating the details of the terms and conditions. They also submit that keeping in view the nature of the suit and the terms and conditions on which the compromise is being made; the interest of those two Appellants i.e. Appellant Nos. 1(a) and 1(e) are in no way going to be affected and they would not be prejudiced in any manner. It is also submitted by them that the compromise application containing the terms and conditions have been drafted under their instruction and they having been read over and explained all those having found those to have been correctly written have sworn the affidavits. They submit that the parties have authorized them to admit the compromise in Court which they hereby do.

7. Considering the submissions made and on going through the averments taken in the application, which is supported by the affidavits of the parties except Appellant Nos. 1(a) and 1(e), this Court finds no such reason or justification to say that said compromise is not lawful.

In view of all the above, the application with the prayer for disposal of this Appeal in terms of compromise as indicated in the application is accepted. The Appeal is hereby disposed of in terms of compromise. The compromise application shall form a part of the decree. No order as to cost all throughout.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan

