

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.708 of 2017

1. Arun Devi, wife of Shri Siya Ram Prasad, D/o Late Sarju Prasad, Resident of Mohalla- Sidharth Puri Colony, Road no. 1, Manpur, P.S. Mufassil, District- Gaya.
2. Vidawati Devi, wife of Shri Arun Prasad, D/o Late Sarju Prasad, Resident of New Godown, Rajendra Path, P.S. Kotwali, District- Gaya.
3. Binod Kumar Alias Munna Prasad, son of Late Sarju Prasad, Resident of Mohalla- Sidharth Puri Colony, Road no. 1, Manpur, P.S. Mufassil, District- Gaya.

... .. Petitioner/s

Versus

1. Pasupati Nath
2. Devendra Prasad Both Sons of Late Beni Madho Prasad
3. Sattendra Kumar, son of Pasupati Nath
4. Paras Nath since deceased son of Late Beni Madho Prasad
5. Pankaj Kumar, son of Late Paras Nath All Residents of Village- Janakpur, P.S.- Barachatti, P.O.- Itwan, District- Gaya.
6. Pinku Kumar
7. Rinku Kumar Both Sons of Late Paras Nath Both at present residing at Village- New Sidhauli, P.O. and P.S. Dalmiya Nagar, Town- Dehri-on- Sone, District- Rohtas.
8. Munni Devi, W/o Shri Nauratan Sinha, D/o Late Paras Nath
9. Tunni Devi, wife of Shri Dilip Sinha, D/o Late Paras Nath, Resident of Village New Sidhauli, Narayan Tola, P.S. and P.O. Dalmiya Nagar, Town- Dehri-on- Sone, District- Rohtas.
10. Rinki Devi, Wife of Shri Anand Kumar, D/o Late Paras Nath, Resident of Village New Sidhauli, P.S. and P.O. Dalmiya Nagar, Town- Dehri-on- Sone, District- Rohtas.
11. Ragini Devi, wife of Ravi Kumar Sinha, D/o Late Paras Nath, Resident of Village Shahpur, Dharam Shala Road, P.S. and District Aurangabad.
12. Abhay Kuamr @ Appu Kumar Sinha
13. Vijay Kumar @ Gapu Kumar Sinha Both Sons of Late Dilip Kumar @ Gopal Prasad, All Resident of Mohalla- Sidharthpuri Colony, Buniyadganj, P.S.- Mufassil, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Advocate
For the Respondent/s : Mr. Arun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA



ORAL ORDER

5 13-04-2023 Heard learned counsel for the parties.

Learned counsel for the petitioners submits that there was compromise between the parties in the year 1993. However, on the compromise of the parties, no formal order had been passed by the learned trial Court. It is further submitted that learned Court below in the impugned order stated that there is no compromise petition on the record and the trial Court also observed that since the final decree has not been passed, accordingly, the Court directed the Survey Knowing Pleader Commissioner to submit a report.

Learned counsel for the respondents submits that the Survey Knowing Pleader Commissioner has already submitted the report.

Learned counsel for the petitioners submits that liberty may be given to the petitioners to file objection, if any, on the said report.

From submission of the learned counsel for the parties, it appears that there is some dispute whether the compromise has been actually taken place or not.

Learned counsel for the parties on perusal of the record submits that the compromise petition is already on record. However, no order of the trial Court has been passed on



the said compromise petition.

Both the parties submit that this case may be disposed of so that the learned Court may pass an appropriate order on the compromise petition and the parties shall assist the learned trial Court for final disposal of this case.

In view of the submissions of the learned counsel for the parties, this case is disposed of with the direction to the learned Court below to decide on the compromise petition and the liberty is also given to the petitioner for filing objection petition, if any, against the report of the Survey Knowing Pleader Commissioner within four weeks from the date of receipt / production of this order. Both the parties are directed to cooperate the learned trial Court for early disposal of the case.

Office is directed to return back the Lower Court's Record to the learned Court concerned at once.

With the aforesaid observation, this Miscellaneous application is disposed of.

(Sunil Dutta Mishra, J)

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