

10 27.4.2023

Ct-08

FA 173 of 2008
with
I.A No. CAN 4 of 2023

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Shankar Prasad Trebedi
Vs.
Sri Sanjit Trebedi

Mr. Debnath Ghosh
Mr. Sarosij Dasgupta
Mr. Samrat Mukherjee
... For the Appellant

Mr. Supratick Syamal
Ms. Somosree Dutta
... For the Respondent

Leave is given to correct the nomenclature of the application being CAN 4 of 2023 in course of the day.

During the pendency of the appeal, good sense prevails between the parties, who are uncle and nephew. They have come forward with a prayer for compromise by way of this application being CAN 4 of 2023 containing the terms of settlement signed by the parties and their respective learned advocates. It is prayed on behalf of the parties for disposal of the appeal on the basis of the terms of settlement arrived at between the parties.

We have perused the terms of settlement contained in the compromise application, which appears to be lawful. In view of the fact that the parties have entered into an agreement expressing their willingness to settle the disputes between them on the terms reduced in writing in conformity with Order XXIII Rule 3 of the Code of Civil Procedure, by mutual consent of the parties, we allow the application for compromise being CAN 4 of 2023 and dispose of the appeal on the basis of

the terms of settlement arrived at between the parties.

Let the compromise application do form a part of the decree mentioned in schedule.

In view of terms and settlement contained in prayer (a), (b) and (c) of the joint compromise application, the judgment and decree passed by the trial court is set aside.

There will be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)

