

30.01.2023
SL No.2
Court No.8
(gc)

FA 28 of 2016

Sk. Jalaluddin Ahammad
Vs.
Sk. Rafikuddin Ahammad

Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee,
...for the Appellant.

On 14th December, 2022, we have recorded that the dispute between the parties have been amicable settled before the learned Mediator and the terms of settlement has drawn up in accordance with Rule 24 of the Civil Procedure – Alternative Dispute Resolution & Mediation Rules, 2006 is placed before us along with the report of the learned Mediator. However, the matter was adjourned in order to enable to execute the deed of gift in favour of Sk. Rafikuddin Ahammad. The original duly registered deed of gift executed on 29th December, 2022 is produced before us. We have been informed by Mr. Rwitendra Banerjee, learned Advocate representing the appellant that Sk. Rafikuddin Ahammad has filed an application for withdrawal of the partition suit in order to give effect to the agreement arrived at between the parties before the learned Mediator.

In view thereof, we request the learned Trial Judge before whom the application is pending to dispose of the application for withdrawal as expeditiously as possible.

The appeal stands disposed of on the basis of the terms of settlement filed before us.

The preliminary decree is hereby set aside.

The department is directed to draw up the decree in terms of the settlement arrived at between the parties and forwarded to this Court by the learned Mediator in its final report of the mediation dated 12th December, 2022.

A photocopy of the registered deed of gift be kept with the record.

(Uday Kumar, J.)

(Soumen Sen, J.)