

16.8.2023
155
Ct. no. 652
sb

**FMA 3201 of 2013
With
CAN 5 of 2022**

**Balaram Sarkar
Vs.
Dinabandhu Sarkar**

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty ...for the Respondent

Re: CAN 5 of 2022

Affidavit of service filed by the respondent is taken on record. In spite of service opposite parties are not represented.

The respondent submits that taking into consideration of the terms and conditions of settlement which was registered on 22nd January, 2021, arrived at between the parties for settling the dispute among the parties, the respondent has already handed over possession of portion as agreed in favour of the appellant and after delivery of possession appellant herein constructed a boundary wall as per settlement but did not take steps for withdrawal of the instant appeal from this court in terms of settlement. Accordingly, the respondent has prayed for dismissal of the appeal, in terms of settlement.

Having considered the facts and circumstances of the case, and in the absence of any opposition the prayer made by the respondent herein is allowed.

CAN 5 of 2022 is accordingly disposed of.

Re: FMA 3201 of 2013

In view of the disposal of CAN 5 of 2022, FMA 3201 of 2013 is dismissed in terms of the agreement.

(Ajoy Kumar Mukherjee, J.)