

N.22Sl
151/CL
21.08.24
Sl-32
Ct.33
(S.R.)

SA 383 of 2016
with
CAN 4 of 2024

Sri Sunit Bhattacharya & Anr.
v.
Smt. Parijat Bhattacharyya & Ors.

Mr. Sagnik Chatterjee
Mr. Sayan Mukherjee

... for the appellants.

Mr. Siva Prosad Ghose

... for the respondents.

In re: CAN 4 of 2024

The learned advocates for the appellants as well as the respondents are present.

Both the learned advocates appearing for the respective parties submit to have filed an application being CAN 4 of 2024, *inter alia*, stating that the respondents in the instant appeal have been the decree holders with regard to the property in question determined through disposal of Title Appeal No.12 of 2008, which was pending before the Court of the learned Additional District Judge, 3rd Fast Track Court at Barrackpore.

During the pendency of the instant appeal being SA 383 of 2016, the dispute between the disputants have been amicably settled on the terms and conditions mentioned in paragraphs 11, 12 and 13 of the application

being CAN 4 of 2024, which are replicated as follow: -

“11. As such, your applicants have mutually agreed that-

- a. Henceforth, the respondents/applicant nos.3 and 4 are not at all willing to execute or enforce the decree in any manner or in any way ever, in respect of the judgment and decree dated June 5, 2015 passed in Title Appeal No.12 of 2008 passed by the Learned Additional District Judge, Third Fast Track Court at Barrackpore.*
 - b. The said respondents (applicant nos.3 and 4) shall never question the legality and validity of the construction being done by the applicant nos.1 and 2 in the suit property.*
 - c. The appellants being the applicant nos.1 and 2 are agreeing to the fact that whatever disputes that arose earlier have been mitigated amongst themselves and they hold no grudges against each other. Accordingly, the applicant nos.1 and 2 are not willing to proceed further with the instant appeal pending before this Hon’ble Court and the same may be dismissed as withdrawn and in this matter, the applicant nos.3 and 4 have no objection.*
- 12. Your applicants further state that the other parties to the instant proceeding being the Respondent nos.3 to 5 are administrative authorities and are not necessary to the instant proceedings.*
- 13. In view of the above facts and circumstances, it is respectfully submitted that the present second appeal being S.A. No.383 of 2016 be dismissed as withdrawn on the basis of the instant application for compromise as the parties to the proceeding particularly the applicants herein have amicably settled their disputes.”*

Considering the submissions of the learned

advocates appearing for both the parties as well as the contentions in paragraphs 11, 12 and 13 of the application being CAN 4 of 2024, the instant appeal being SA 383 of 2016 is dismissed as withdrawn and, accordingly, the CAN 4 of 2024 is disposed of.

Lower court records along with a copy of this order be sent down at once to the learned trial court for necessary action.

(Ananya Bandyopadhyay, J.)