

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.498 of 1976

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2. Kashi Mandal Son of Thakko Mandal, Resident of Village Saharu Madhopure, Pergana Jokhalpur, Police Station Rosera, District Samastipur.
 3. Ram Sobhit Mandal Son of Mukti Mandal, Resident of Village Saharu Madhopure, Pergana Jokhalpur, Police Station Rosera, District Samastipur.
 4. Bachcha Mandal Son of Kashi Mandal, Resident of Village Saharu Madhopure, Pergana Jokhalpur, Police Station Rosera, District Samastipur.

... .. Appellant/s

Versus

2. Umesh Mandal Son of Siyaram Mandal, Resident of Village Saharu Madhopure, Pergana Jokhalpur, Police Station Rosera, District Samastipur.
3. Dinesh Mandal Son of Siyaram Mandal, Resident of Village Saharu Madhopure, Pergana Jokhalpur, Police Station Rosera, District Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arghesh Kumar, Adv. Mr. Ram Shankar Kumar, Adv.
For the Respondent/s	:	Mr. Jagdish Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

37 15-12-2025

Re :- I.A. No. 02 of 2025

The instant interlocutory application has been filed by the appellants and the respondents jointly under Order 23 Rule 3 of the Code of Civil Procedure (C.P.C.) with a prayer to decide this appeal in the light of the compromise arrived at in between both the parties.

2. Mr. Ram Shankar Kumar, learned counsel appearing for the appellants submits that the partition suit bearing No. 84 of 1972 titled ‘Siya Ram Mandal and Others vs. Mukti Mandal and Others’, was filed for partition of the suit



land and that was decided by the court of learned Sub-Judge, Samastipur, holding therein that the plaintiffs (respondents here) are entitled to get 1/3 share of the suit property and that judgment was passed on 06.05.1976 and accordingly, decree was prepared on 25.05.1976. That judgment and decree was challenged before this Court by way of this appeal. During the pendency of this appeal, the original plaintiffs (here, respondents) and the original defendants (here appellants) died and thereafter, their legal heirs were substituted, who are present appellants and defendants in this appeal and in between them, a good relation has been restored.

2.1. It is further submitted that at present, Ram Shobhit Mandal S/o- Late Mukti Mandal, Kashi Mandal S/o Thakko Mandal and Bachcha Mandal @ Krishna Mohan Mandal S/o- Kashi Mandal, are appellants whereas Umesh Mandal and Dinesh Mandal both S/o- Siyaram Mandal, are respondents in the present appeal and as per the terms and conditions of the said compromise, the suit property detailed in Schedule 'A' to this I.A. has been allotted to Ram Shobhit Mandal @ Ram Shobhit Singh @ Ram Shobhit Mandal S/o Late Mukti Mandal @ Late Mukti Prasad Singh and the suit property detailed in Schedule 'B' has been allotted to Kashi Mandar @



Kashi Mandal S/o Late Thakko Mandal (Mandar) and Bachcha Mandal @ Krishna Mohan Prasad @ Krishna Mohan Prasad Singh S/o Kashi Mandal whereas the suit property detailed in Schedule 'C' has been allotted to Umesh Prasad Singh @ Umesh Mandal and Dinesh Mandal @ Dinesh Kumar Singh both sons of Late Siya Ram Mandal @ Siya Ram Mandal and these Schedules (A, B,C) are attached with this application. Each and every page of the Schedules has been signed by all the parties and the compromise petition has also been signed by all the parties, supported with the affidavits of all the parties.

3. Mr. Jagdish Prasad, learned counsel appearing for the respondents accepts the aforesaid submissions.

4. After having heard both the sides and having perused this interlocutory application and gone through the averments made in this application, this Court has no reason to disbelieve the said compromise as according to both the parties, who are legal heirs of the original plaintiffs and defendants, they have settled their dispute by partitioning the suit land among them and none of the legal heirs of the deceased parties has been excluded in the said compromise. Accordingly, the prayer made by both the parties in this interlocutory application under Order 23 Rule 3 is hereby accepted and in terms of the said



compromise, the instant appeal stands decided and the office is directed to prepare a fresh decree in the light of the compromise arrived at in between both the parties and after the preparation of the same, the decree and judgment impugned in this appeal shall have no effect. Accordingly, I.A. No. 02 of 2025 stands allowed.

5. In the result, the instant appeal stands disposed of.

(Shailendra Singh, J)

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