

**Present:- SMTI. S.KHANIKAR,
MUNSIFF NO.3,DIBRUGARH**

T.S. No. - 148/2021

07/05/2021:

Both the plaintiff being Smti. Rajbala Agarwal @ Smti. Rabala Agarwala as well as the defendant being Sri Dhrubajyoti Dutta are present in the Court along with their respective learned engaged counsels.

Today the date was fixed for service-report/written statement. However, the plaintiff and defendant have filed a joint petition vide No. 235/21 under Order XXIII, Rule 3 of the CPC stating therein that they have arrived at a compromise and have settled their dispute relating to the suit land and therefore, the plaintiff no longer wishes to proceed against the defendant any further in the instant suit.

The learned counsel for the plaintiff stated that the instant suit was filed for ejectment and delivery of khas and vacant possession of the suit premises being a pucca shop room covered by dag no. 289 of P.P. no. 56 situated at Chabua Town, under Bogdung Mouza, Dibrugarh being part of Holding no. 176 (old)/ 36 (new) of ward no. 'C' of Chabua Municipal Board by evicting the defendant and his

dependants by removing all his goods and belongings therefrom.

It has submitted vide the joint petition no. 235/21 :-

- i) That both the parties have amicably settled the matter through mutual understanding outside the Court by way of compromise.
- ii) That as per the said compromise, the defendant has already vacated the pucca shop room and handed over and delivered the peaceful and vacant possession of the said pucca shop room to the plaintiff absolutely and forever.
- iii) That the defendant has already brought back his goods, materials, furniture etc. from the said pucca shop room.
- iv) That both the parties have compromised the matter as per their own wish and desire in the instant suit and as such the plaintiff is not willing to proceed with the instant case any further.

The learned Counsels of the parties to the instant suit have also stated in the same tune that they have no objection if the Compromise is accepted and leave is granted to the plaintiff to withdraw the suit.

Heard both the sides and also perused the case record.

Considering the fact that the suit has been adjusted by a written compromise and signed by the plaintiff Smti. Rajbala Agarwal and learned Sri Ranjit Dutta, the lawful attorney of the plaintiff as well as by the defendant Sri Dhrubajyoti Dutta and learned Sri Hussain Ali Borah, the lawful attorney of the defendant and upon hearing the submissions of both the sides, I am of the opinion that the plaintiff may be allowed to withdraw the suit on compromise. In view of the above discussion and upon being satisfied that the dispute between the parties have been amicably settled through a compromise, regarding the suit premises, this Court, hereby, allows the plaintiff to withdraw the suit on compromise. The joint petition filed by the parties is to be marked as 'Annexure X', which shall form the part of the decree.

Prepare a decree accordingly.

The case is, thus, disposed of on compromise.

**Munsiff No.3,
Dibrugarh**