

T.S. No.23/2018

22.09.2020

Case record put up today on the strength of joint petition No.1817/2020 filed by the learned Advocate for the plaintiff and the defendants stating that the instant suit is fixed on 09.11.2020 and due to intervention of the well wishers both parties have amicably settled the dispute out of the Court as per terms and conditions of the Deed of Settlement entered upon by the parties dated 13.07.2020. It is also stated that both the parties are residing in different locality and due to this pandemic situation it will be difficult for them to appear together again. Hence, prayed for taking up the matter today and to put up the case record and to dispose of the suit on compromise.

Heard learned Counsel appearing for both sides through video conferencing as both the learned Advocates are present along with both the parties and both of them are pressing for disposing the suit on compromise today itself and as both parties are present today, I am inclined to allow the petition No.1817/20 and accordingly, case record is put up today.

It appears from the case record that the plaintiff filed this suit against defendant No.1 Smti. Bogi Chaotal, defendant No.2 Sri Gupi Chaotal and proforma defendant No.3 Md.Mahmadia Khan but on 05.06.2018 a petition bearing No.2696/18 under Order I Rule 10(2) r/w Section 151 of CPC was filed by

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the legal heirs of late Budhan Chaotal claiming right, title, interest over the suit land. The said legal heirs are Jaki Majhi (Chaotal), Smti. Moni Chaotal and Smti. Somari Chaotal and they prayed to allow them to contest the suit as defendants which were allowed vide order dated 05.06.2018 but the name of the said legal heirs were not inserted in the plaint as directed due to bonafide mistake. To avoid further confusion Bench Assistant is directed to insert the names of the above mentioned legal heirs in the cause title of the plaint immediately.

Also seen petition No. 1815/2020 filed by the plaintiff stating that he does not want to proceed with the suit against proforma defendant Md.Mahamadia Khan and the plaintiff prays for allowing him to withdraw the suit against the said proforma defendant Md.Mahamadia Khan .

Heard both sides including the plaintiff through video conferencing and prayer is allowed.

Also seen the joint compromise petition No.1816/2020 filed by both the parties and also seen the Deed of Settlement dated 13.07.2020 which includes some terms and conditions of compromise contained in the Deed of Settlement and prays for passing a compromise decree with certain reliefs mentioned in the joint compromise petition.

I have heard both the parties through video conferencing and they have submitted that the matter has already been compromised between them

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upon some terms and conditions which are mentioned in the Deed of Settlement and accordingly, both the parties have agreed upon the compromise in respect of the suit and prays for disposal of the suit on compromise.

I have gone through the joint compromise petition and the Deed of Settlement which will be a part of decree.

Considering all, the joint compromise petition is allowed as per terms and conditions agreed upon by the parties vide deed of settlement dated 13.07.2020.

This suit is disposed of on compromise.

Prepare a decree accordingly.

Civil Judge,
Dibrugarh