

T.S.565 Of 2023
CNR WBBD080080007012023

Order no.12 dated 09.07.2024

Record is put up on the prayer of the plaintiff and defendant, for filing and moving one compromise petition today, annexed with attested xerox copies of Aadhaar Cards.

Hd. Considered.

Plaintiff and defendant are present and file the solenama petition today, supported by affidavit, inter alia, submitting that they have settled the dispute outside the court and thus praying for a Decree on the terms stated therein.

This is a suit for declaration and permanent Injunction.

Accordingly, record is taken up for hearing of the petition under Order XXIII Rule 3 of CPC dated 09.07.2024 in presence of both sides.

Ld. Advocates for both the parties states that the matter of the dispute has been settled and on such settlement the solenama is drafted.

Plaintiff Ghulam alias Shahid and Defendant Md Parwez were examined on dock and they have stated separately that they have filed the instant petition voluntarily and are well aware about the content.

Hd. Both sides and Perused the petition for solenama, record and other materials in it.

Accordingly, record is taken up for passing order regarding the petition.

On careful perusal of the petition and oral evidences on record, it appears that the plaintiff and defendant have settled the matter and on the terms of such compromise they are praying for the Decree.

As per Order XXIII Rule 3 of CPC provides that. Where it is proved to the satisfaction of the court that a suit has been adjusted wholly or in part by any lawful agreement or compromise in writing and signed by the parties, or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject matter of the suit, the court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith so far as it relates to the parties to the suit, whether or not the subject matter of the agreement, compromise or satisfaction is the same as the subject matter of the agreement, compromise or satisfaction is the same as the subject matter of the suit.

After the consideration of the compromise petition, evidences recorded, it seems that the terms of compromise are legal and valid and in accordance with the plaint and provision. Moreover, the compromise petition had been, placed, by the parties, voluntarily and thus the compromise petition is liable to be allowed.

C.F paid is correct.

Hence it is

ORDERED

That the suit be and the same is decreed on compromise between the plaintiff and defendant in terms of the Solenama petition as per Order XXIII Rule 3 CPC dated 09.07.2024.

The compromise petition dated 09.07.2024 be made part of the Decree .

The suit is disposed of.

D/A is directed to note down the same in the concerned register and CIS.

Decree will follow.

T & C by

Sd/-

Civil Judge (Jr. Divn.), Addl Court
Asansol, Paschim Bardhaman
J.O. WB01333

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