

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>SA No. 28 of 2009</u> <u>With</u> <u>SA No. 1 of 2010.</u></p> <p><u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> 1. Mr. Vikas Bahuguna, learned counsel for appellant. 2. Mr. Ravi Babulkar, learned counsel for the respondents. 3. Mr. Lokendra Dobhal, learned counsel for the respondent in SA No. 1 of 2010. 4. Admittedly, the dispute is in between the real brothers. It has been informed to this Court that the dispute in between the brothers, in fact, settled in view of the Compromise Decree dated 19.05.1999 passed in O.S. No. 33 of 1997. After the compromise decree, a dispute again arose in between the brothers and the respondent/plaintiff preferred the suit of permanent injunction which was dismissed against which the plaintiff preferred an appeal which was allowed and being aggrieved with the same, the instant second appeal has been preferred. 5. The second appeal was admitted on 10.06.2009, with the following substantial question of law: <i>"Whether the impugned judgment and decree passed by the first appellate court, being in violation of the terms of compromise decree passed between the parties in suit no. 33 of 1997, Harikant Joshi vs. Govind Prasad and others, is perverse"?</i>

		<p>6. Admittedly, compromise is entered in between the parties which Mr. Vikas Bahuguna is not disputing and in the compromise decree the share of each of the brother was also determined.</p> <p>7. Mr. Vikas Bahuguna, submits that since there was no proper demarcation though, proper share was determined while entering into compromise, therefore, authorities may be directed to proceed with the demarcation of the land in question and submit its report.</p> <p>8. The demarcation application is also placed on record which is at page 323 of the paper book. This demarcation application is addressed to S.D.M. Bhatwari, Uttarkashi.</p> <p>9. Admittedly, the dispute in between all the brothers were settled in view of the compromise, however, since there is no proper demarcation of the share of each of the brother for which already an application was moved by Harikant Joshi, the appellant, before the S.D.M. concerned on 27.01.2001, which is apparently old one, therefore, for deciding the dispute this Court is of the view that let the S.D.M. concerned may proceed with the demarcation and both the parties are directed to submit a joint application for demarcation of the land in question to the S.D.M concerned within a week from today and, thereafter, within a month the S.D.M. Bhatwari, Uttarkashi shall proceed with the demarcation and submit its report before this Court.</p> <p>10. It is made clear that the S.D.M. Bhatwari conclude the demarcation proceeding in the light of the compromise entered in between the parties and submit a report by identifying the share of each of the brother who are five in numbers and place a report in a sealed envelope. Both the parties are directed to furnish the</p>
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relevant records to the S.D.M. concerned.
11. List this matter on 10.07.2025.

(Rakesh Thapliyal, J.)
03.06.2025

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