
(2018) 12 RAJ CK 0228
In the Rajasthan High Court
Case No : Civil First Appeal No. 85 Of 2000

Govind Ram

APPELLANT

Vs

L.Rs. Of late Shri Prem Prakash And Ors

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0228

Hon'ble Judges : P.K. Lohra, J

Bench : Single Bench

Advocate : Dron Kaushik, Vishal Singhal

Final Decision : Disposed Off

Judgement

The instant appeal is filed by appellant-defendant to challenge judgment dated 29.10.1999 and preliminary decree for partition of property, passed by Additional District Judge No.1, Sri Ganganagar (for short, 'learned trial Court').

The suit was initially filed by respondent-plaintiff Prem Prakash, who is now represented by his legal heirs in this appeal for seeking partition of the joint family property and possession. In the main suit, original plaintiff Prem Prakash arrayed his four siblings as party, who are three brothers and one sister. The learned trial Court, while decreeing the suit, passed preliminary decree declaring all the siblings entitled to 1/5th share of the property and further directed to hand over possession of 1/5th share of the property to the original plaintiff-respondent.

The instant appeal is filed before this Court by Govind Ram, one of the brothers of Late Prem Prakash, to challenge preliminary decree passed by learned trial Court. During pendency of this appeal, the parties to litigation, inspired by the concept of Lok Adalat, sorted out their dispute and entered into a compromise. In terms of the compromise, appellant and legal heirs of original plaintiff Prem Prakash as well as other siblings Man Mohan and Smt. Soma Devi, settled their dispute perpetually. The other sibling Tilak Raj, who was unmarried and died

during pendency of the appeal, was deleted from the array of respondents. The remaining siblings of appellant Govind Ram and legal heirs of plaintiff Prem Prakash submitted a written compromise before this Court on 12.11.2018, which was duly verified by the Deputy Registrar (Judicial) on 29.11.2018 in presence of the parties as well as their counsels.

As the parties have sorted out their dispute perpetually by entering into settlement/compromise, which is duly verified by the Deputy Registrar (Judicial), the impugned preliminary decree, passed by learned trial Court, is liable to be modified in terms of the compromise.

The appeal is, accordingly, disposed of in terms of the compromise, which may also be treated as part of this order for facilitating respective parties to lay appropriate application before trial Court for drawing final decree in the matter in accordance with law.

Let record of the trial Court be sent back forthwith.