

(2022) 11 UK CK 0078

In the Uttarakhand High Court

Case No : Second Appeal No. 81 Of 2013

Kailash Lal Sah (Deceased) Through Legal Representatives
And Another

APPELLANT

Vs

Kishan Lal Sah (Deceased) Through Legal Representative And
Others

RESPONDENT

Date of Decision : 26-11-2022

Acts Referred:

Citation : (2022) 11 UK CK 0078

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Lokendra Dobhal, D.K. Bankoti

Judgement

Alok Kumar Verma, J

1. An Original Suit (No.72 of 2004, "Kailash Lal Sah and Another vs. Jaganaath Sah and Others") was filed for perpetual prohibitory injunction. During the pendency of the said Original Suit, the defendant no.1 Jaganaath Sah had died. The said Original Suit was dismissed on 27.05.2011. The appellants had preferred a Civil Appeal (No.17 of 2011, "Kailash Lal Sah and Another vs. Kishan Lal Sah and Others"). The said appeal has been dismissed on 27.11.2012. Hence, the present Second Appeal.

2. During the pendency of the Second Appeal, the appellant-plaintiff Kailash Lal Sah, respondent-defendant Kishan Lal Sah and the respondent no.2-defendant Dinesh Chandra Sah had died. They were substituted by their legal representatives.

3. The parties have filed an application for compromise (Civil Miscellaneous Compromise Application No.5558 of 2022) along with their affidavits.

4. Heard Mr. Lokendra Dobhal, learned counsel for the appellants and Mr. D.K. Bankoti, learned counsel holding brief of Mr. Alok Mahra, learned counsel for the

respondents.

5. Mr. Lokendra Dobhal, the learned counsel for the appellants, and, Mr. D.K. Bankoti, learned counsel appearing on behalf of the respondents, submitted that there is only dispute between the parties with regard to the Plot no.162, situated at Gram Mallitoli, Patwari area Jalna, Tehsil Jaiti District Almora, which is just adjacent to the land of the respondents, and, now the parties have demarcated the said Plot no.162, and, they have settled their disputes regarding possession of their parts of Plot no. 162. They have separated their parts with fence of barbed wires and now it is agreed between the parties that both the parties will not interfere on the property with each other's possession in any manner.

6. Learned counsel for the appellants and learned counsel appearing for the respondents submitted that the said Compromise Application has been filed by the parties with their free will and without any pressure. They requested to decide the present Second Appeal on the basis of the compromise, entered into between the parties.

7. The said Compromise is verified.

8. The present Second Appeal (No.81 of 2013) is being decided on the basis of the said compromise (Civil Miscellaneous Application No.5558 of 2022). The said Compromise Application will be part of the decree.