
(2022) 03 J&K CK 0015

In the Jammu And Kashmir High Court

Case No : Civil Second Appeal No. 27 Of 2017, Civil Miscellaneous No. 1307, 1308, 1505 Of 2022, IA No. 1 Of 2017

Mohd. Bashir And Others

APPELLANT

Vs

Mohd. Bashir And Others

RESPONDENT

Date of Decision : 07-03-2022

Acts Referred:

Citation : (2022) 03 J&K CK 0015

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : Rahul Pant, Aniruddh Sharma, K.K. Pathan

Final Decision : Disposed Of

Judgement

Tashi Rabstan, J

CM No. 1307/2022

Having regard to the contents of this application coupled with the submissions made by learned counsel for the applicant and on no objection from the other side, it is allowed.

Delay of 248 days in filing the application for substitution of legal heirs of appellant No. 1, is condoned.

Application stands disposed of.

CM No. 1308/2022

Having regard to the contents of this application coupled with the submissions made by learned counsel for the applicant and on no objection from the other side, it is allowed.

The name of the applicant as mentioned in para 3 of this application is brought on record as legal heir of the appellant No. 1, namely, Mohd. Bashir. Registry is

directed to carry out necessary correction in the cause title of the appeal.

Application stands disposed of.

CM No. 1505/2022

The instant application has been moved by the appellants as well as the respondent No. 1, who is stated to be the contesting respondent, seeking disposal of the main appeal in view of the compromise arrived at between the parties out of the Court. It is averred in the application that the basic dispute among the parties was with regard to the boundary of their respective lands situated at Village Majhoor which led to the filing of the suit by the respondent No. 1 herein before the court of learned Munsiff (Additional Special Mobile Magistrate), Thanamandi, which subsequently came to be decreed in favour of the respondent No. 1. It is further averred that against the said decree, the appellants had filed the civil first appeal before the court of learned Additional District Judge, Rajouri, which came to be dismissed and aggrieved of which the appellants have filed the main civil second appeal before this Court. It is contended that during the pendency of the appeal the parties have arrived at compromise out of the Court. A copy of the compromise deed has also been enclosed with this application as Annexure-A.

Since the appellants and the respondent No. 1 herein have amicably settled their dispute out of Court, to which they have also executed a compromise deed which has been verified by learned counsel for the parties, this application is allowed.

The main civil second appeal is taken on board.

CSA No. 27/2017

In view of the compromise arrived at between the parties, the main appeal is, accordingly, disposed of.