

(2017) 04 RAJ CK 0128
In the Rajasthan High Court
Case No : 255 of 2017

**Rajasthan State Industrial Development and Investment Corporation
Ltd., Vs Banwari Lal**

Date of Decision : 28-04-2017

Acts Referred:

Citation : (2017) 04 RAJ CK 0128

Hon'ble Judges : Sanjeev Prakash Sharma

Bench : SINGLE BENCH

Advocate : Virendra Lodha, Anirudh Singh, Nikhil Simlote, R.B. Mathur, Manish Sharma

Final Decision : Dismissed

Judgement

1. A partnership was constituted by Bajrang Lal and Nand Kishore. It was got registered. RIICO allotted a plot of land in the name of the partnership firm and executed an indenture of transfer.
2. In a Civil Suit No.137/1991 in the Court of District Judge, Sikar, a compromise was effected and pursuant thereto a decree was passed on June 4, 1993. Nand Kishore is a signatory to the compromise application. He has knowledge of the decree. He has not challenged the decree.
3. In conformity with the compromise decree a deed of partnership was executed on February 15, 2008. The same has been registered. Application was made to RIICO to make necessary entry in its record and execute necessary documents.

4. The objection of the RIICO that in the absence of a registered partnership deed it cannot effect mutation in conformity with the compromise decree, which embraces the land demised by RIICO to the partnership firm of which Bajrang Lal and Nand Kishore were partners, is therefore without any merit.

5. This would suffice to dismiss the D.B. Civil Special Appeal(W) No.255/2017 filed by RIICO.

6. As regards D.B. Civil Special Appeal(W) No.160/2017 filed by Nand Kishore, we find that in collateral proceedings he is resiling from the compromise decree. As noted above, Nand Kishore has not challenged the compromise decree by either moving an application before the Court which passed the decree or by filing an appeal thereagainst. We also find that he has taken benefit under the compromise decree. Therefore, the D.B. Civil Special Appeal filed by Nand Kishore is also liable to be dismissed for the reason the impugned order passed by the learned Single Judge requires RIICO to do the needful in conformity with consent decree dated June 4, 1993.

7. In a nutshell, both the above captioned appeals are dismissed. Impugned order is upheld.