

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5944 of 1995

with

Civil Application No. 9468 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

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MANHARLAL NATHUBHAI PATEL

Versus

DARABSHA DHANJIBHAI BHAGAT  
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Appearance:

1. Special Civil Application No. 5944 of 1995  
MR UM PANCHAL for Petitioner Nos. 1-2  
MRS KETTY A MEHTA for Respondents
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CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 26/12/2003

ORAL JUDGEMENT

1. By filing this petition under Article 226 of the Constitution, the petitioners have prayed to quash and

set aside the judgment and order dated 25.11.1994, Annexure D to the petition, passed by the Gujarat Revenue Tribunal in Revision Application No.TEN.BS. 177/89 and to uphold the orders dated 25.5.1988 and 13.4.1989, Annexures B and C respectively to the petition passed by the Mamlatdar & ALT, Choryasi and Assistant Collector, Choryasi Prant, Surat, respectively.

2. At the time of hearing of this petition, the learned advocates appearing for the parties have stated that the parties have arrived at a compromise, which is reduced into writing and signed by all the concerned parties, and the said compromise is annexed with the Civil Application and have prayed for passing appropriate orders in terms of the said compromise.

3. Having heard the learned advocates appearing for the parties and on having perusal of the pleadings in the petition and the terms and conditions of the compromise dated 20.12.2003 which is annexed with Civil Application No.9468 of 1993 which bears the signature of all the concerned parties who are present before the Court, it is clear that the parties have agreed to act as per the terms of the compromise, and therefore, the petition can be disposed of in terms of the said compromise. The copy of the compromise alongwith the map produced by the parties is ordered to be retained on the record of the petition.

4. As the parties have arrived at a compromise, the petition stands disposed of. Rule is made absolute in terms of the terms and conditions of the compromise pursis filed them. There shall be no order as to costs.

5. Civil Application No.9468 of 2003 is filed for joining parties and also for passing appropriate orders of recording compromise. Since the compromise is filed and the main petition is disposed of and Rule is made absolute in terms of the said compromise, this Civil Application is also required to be disposed of. Hence, rule is made absolute with no order as to costs.

(A.M. Kapadia, J.)

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