



Order	Order	Order with Signature	Office Note as to action (if any) taken on Order
7.	09.06.2006	<p>At the very outset Mr. B.K. Gupta, learned Counsel appearing for the Appellant as well as Mr. K.T. Bhutia, learned Counsel for the Respondent submitted at the Bar that the parties had settled their disputes and the differences. In support of their contention, the learned Counsel for the parties further contended that the parties have filed a joint compromise petition today. I have perused the joint compromise petition and the compromise petition contains the related <sup>terms</sup> <del>compromise</del> and <sup>the</sup> <del>the</del> conditions of it which are relevant in the case and, accordingly, it is reproduced as hereunder:-</p> <p>"a) That the appellant shall handover khas and peaceful possession of the suit premises fully described in schedule-B of the plaint i.e. all that road level flat covering the plinth area of 30'x20' of two storied R.C.C. Building of the respondent situated at Masjid Road, P.O. &amp; P.S. Jorethang, South Sikkim butted and bounded in the East house of Shri Narsingh Lepcha, in the West Masjid main Road, in the North house of Shri Chandrika Prasad, in the South Gully and house of Shri Phigu Pradhan.</p> <p>b) That out of total arrears of Rs.79,200/- the respondent acknowledged the receipt of Rs.25,000/- deposited by the appellant in the Registry of this Hon'ble High Court as per the order dated 19-12-2005.</p>	



No. of Order	of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>c) That out of remaining arrears of rent of Rs.54,200/- the appellant is willing to pay a sum of Rs.20,000/- to the respondent and handover the furniture and fixture i.e. two wall racks and two small showcases worth of Rs.10,000/- as full and final payment towards the rent.</p> <p>d) The appellant shall handover the khas and peaceful possession of the suit premises with furniture and fixture as mentioned above and pay the agreed amount of Rs.20,000/- on or before 20-06-2006 in terms of above conditions as the parties have amicably settled their dispute in presence of following witnesses. "</p> <p>In my considered view, this Court <sup>should</sup> accept the compromise petition of the parties to meet the ends of justice and, accordingly, the same is accepted thus forming it as part of this order. The decree is to be drawn and prepared by the Registry in terms of the said compromise petition which contains the <sup>terms</sup> <del>compromise</del> and conditions of it. In view of it, this appeal is finally disposed of on compromise but, no order as to cost.</p> <p style="text-align: right;"><i>N. Surjmani Singh</i> (N. Surjmani Singh) Acting Chief Justice</p>	<p>Trust Court records forwarded on 31-3-07 Lucas 31/3/07</p>



# HIGH COURT OF SIKKIM

## GANGTOK

REGULAR FIRST APPEAL (CIVIL) No.02 OF 2005 AGAINST THE JUDGMENT AND ORDER DATED 29.08.05 PASSED BY THE L.D.DISTRICT JUDGE (SOUTH AND WEST) IN TITLE SUIT No.02 OF 2004.

**Regular First Appeal (Civil) No. 2 of 2005**

Md.Jahiruddin, S/o Sheik Mohanmmad  
R/o. Masjid Line, P.O. & P.S. Jorethang, South Sikkim.

----- Appellant.

Versus

Shri K.B.Cintury,  
S/o. Late N.B.Cintury,  
R/o. Jorethang, South Sikkim.

----- Respondent.

**DECREE IN FIRST APPEAL**

This Appeal coming on this **9<sup>th</sup>** day of **June, 2006** before Hon'ble Shri Justice, N.S.Singh, Acting Chief Justice of this Court for disposal in presence of the learned counsel Shri B.K.Gupta for the appellant and learned counsel Shri K.T.Bhutia for the respondent.

It is hereby ordered that the appeal of the appellant be and hereby decreed in terms of the compromise deed **dated 8<sup>th</sup> June, 2006** which shall form a part of this decree.


There is no order as to costs.


Cost of suit

Sl.No.	Appellant's side	Sl. No.	Respondent's side
1.	Stamp for memo of appeal. : Legal Aid	1.	Written Objection:- Nil
2.	Stamp for Vakalatnama:- Rs. 02.00	2.	Stamp for Power: Nil
3.	Application for Misc. Appl.:- RS.12.00	3.	Misc:- Nil
4.	Pleader's fee : N/A.		
5.	Service Process:- N/A		
6.	Petition for Compromise:- Rs.2.00		
	Total Rs. 16.00		Total Nil

Given under my hand and the seal of this court this **9<sup>th</sup> day of June, 2006**

Decree sheet prepared by:-

  
Deputy Registrar  
High Court of Sikkim,  
Gangtok

  
Registrar General  
High Court of Sikkim,  
Gangtok

9/6/2006.