

MC 3929/2007
BEFORE
HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. CK Sharma Baruah, the learned Sr. counsel appearing on behalf of the appellant and Mr. S Baruah, the learned counsel appearing on behalf of the respondents in RSA No.185/2004.

Both the appellant and the respondent by the present joint application filed under Order 23 Rule 3 of the Code of Civil Procedure have prayed for recording the compromise arrived at between the parties in terms of the deed of compromise agreement annexed to the application and to modify the decree passed in Title Suit No.98/1992. The application is supported by the affidavits filed by the appellant as well as by the respondent.

Having considered the submissions of the learned counsel for the parties and on perusal of the application filed under Order 23 Rule 3 of the CPC enclosing therewith the deed of compromise agreement (marked as X), I am satisfied that a lawful agreement between the parties in writing and signed by them has been arrived at in relation to the subject matter of the suit.

In view of the above, the suit being Title Suit No.98/1992 is decreed in terms of the deed of compromise agreement. The decree passed in the said suit, which is the subject matter of RSA No.185/2004 is accordingly stands modified in the following manner:-

(i) The Title Suit No.98/1992 is decreed declaring right, title and interest of the plaintiff in respect of 2 Kathas 10 Lechas, part of Schedule 'A' to the plaint, covered by Dag No.1164 of Kheraj Periodic Patta No.26, Village Maidamgaon, under Beltola Mouza in the district of Kamrup, Assam bounded by on the North-Road; South-D. Das; East- Land and house of Dr. Mahendra Patowary and West- R. Dhaneswar.

(ii) The decree for recovery of possession of the suit land measuring 10 Lechas described in Schedule-B to the plaint stands dismissed.

Registry is directed to draw the decree accordingly.
Misc. Case stands disposed of.