

MC 1427/2008

BEFORE

THE HON'BLE MR JUSTICE B.P.KATAKEY

Heard Mr AJ Sarma, learned counsel for the applicant-appellant as well as Mr KK Nandi, learned counsel for the respondents-opposite parties.

The applicant-appellant by the present application is praying for withdrawal of the RSA No.95/2007 pending before this court by recording the compromise arrived at between him and the respondent Corporation and also for passing a decree accordingly, stating inter alia that they have agreed to settle their dispute out of the court with the condition that the applicant-appellant shall pay a sum of Rs.1,50,000/- to the respondent Corporation and withdraw the RSA No.95/2007 pending before this court. It has been submitted that pursuant to such compromise, the amount of Rs.1,50,000/- has already been deposited on 29.1.08 with the respondent Corporation.

Mr Nandi, learned counsel for the Corporation has contended that such compromise in fact has been arrived at between the parties and the applicant-appellant has already deposited such amount of Rs.1,50,000/-, which was the agreed amount at which the dispute between the parties has been settled. Mr Nandi, therefore, submits that the decree passed in Title Appeal No.1/2005 may accordingly be modified.

Upon hearing the learned counsel for the parties and also considering the aforesaid submission, the decree passed in Title Appeal No.1/2005 by the learned District Judge (FTC), Sibsagar stands modified to the extent that the applicant-appellant shall pay a sum of Rs.1,50,000/-, which has admittedly been paid in terms of the above settlement.

Draw the decree accordingly.

The Misc Case stands disposed of.