

**HIGH COURT OF MADHYA PRADESH, JABALPUR**

**S.A No.509/2019**

**(Manoj Kumar and others vs. Rajo Bai @ Rajni and others**

**Jabalpur, Dated :-30.01.2021**

Shri R. P. Khare, learned counsel for the petitioners.

Shri Dinesh Upadhyay learned counsel for the respondents.

Appellants have filed this Second Appeal challenging the judgment and decree dated 8.2.2019 by which regular Civil Appeal No.41-A/2017 was dismissed by the Appellate Court, affirming the judgment and decree passed by the trial court.

Civil Court has allowed the appeal filed by Plaintiff/respondent no.1 Rajo Bai @ Rajni and decreed the suit. As per decree, Plaintiff Rajo Bai @ Rajni was declared to be the owner of Khasra No.67 Rakba 3.226 Hec. and Khasra No.567 Rakba 4.13 Hec. situated in village Ghunsaur. Said land is to be partitioned and Plaintiff is to be given possession over 1/5th part of the said land. Further, the order dated 23.7.2011 passed in Revenue Case No.10-A/27/10-11 was declared null and void.

Appellants as well as respondents had entered into compromise and had filed an application (I.A No.5920/2020) before this Court. As per said compromise, Plaintiff Rajo Bai @ Rajni and Defendant/respondent no.2 Smt. Sunita in appeal do not want share in the property and in lieu thereof agreed to receive a sum of Rs.20 Lakhs - Rs.20 Lakhs each from appellants. They have compromised the matter on aforesaid terms.

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Respondent nos.1 & 2 Rajo Bai @ Rajni and Smt. Sunita have received a sum of Rs.20 Lakhs each from the appellants and receipt of the same is placed on record.

In view of the aforesaid, I.A No.5920/2020 is allowed.

Judgment and decree dated 8.2.2019 passed in RCA No.41-A/2017 is quashed.

A decree be drawn in favour of respondent nos.1 & 2 in aforesaid terms.

This appeal stands allowed in the aforesaid terms.

**(VISHAL DHAGAT)**  
**J U D G E**

**( ARVIND KUMAR PANDEY)**  
**M E M B E R**

*mms/-*

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