

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 323/2019

1. Jodhraj S/o Shri Dungar Singh, Aged About 61 Years, R/o Village-Dand, Darbano Ki Haveli, Teshil Amer, District Jaipur (Deceased During Pendency of Suit)
- 1/1. Smt. Kailashi Alias Kailashwati W/o Late Shri Jodhraj Meena, Aged About 68 Years, R/o Village, Dand, Darbano Ki Haveli, Tehsil Amer District Jaipur
- 1/2. Smt. Usha Devi W/o Shri Hari Shankar D/o Late Shri Jodhraj Meena, Aged About 54 Years, R/o Pratap Nagar, Sanganer
- 1/3. Surendra Mandiya S/o Late Shri Jodhraj Meena, Aged About 47 Years, R/o Bank Of Baroda, Main Branch Dausa, District Dausa (Death)
- 1/3/1 Smt. Seema Meena W/o Late Shri Surendra Mandiya, R/o . Village Dand, Darbano Ki Haveli, Tehsil Amer, District Jaipur
- 1/3/2 Yash Mandiya S/o Late Shri Surendra Mandiya, Through His . Natural Guardian Mother Smt. Seema Meena R/o Village Dand, Darbano Ki Haveli, Tehsil Amer, District Jaipur
- 1/3/3 Simran Mandiya D/o Late Shri Surendra Mandiya, Through His . Natural Guardian Mother Smt. Seema Meena R/o Village Dand, Darbano Ki Haveli, Tehsil Amer, District Jaipur
- 1/3/4 Sahjan Mandiya D/o Late Shri Surendra Mandiya, Through His . Natural Guardian Mother Smt. Seema Meena R/o Village Dand, Darbano Ki Haveli, Tehsil Amer, District Jaipur
- 1/4. Smt. Santosh W/o Shri Ram Ratan Meena D/o Late Shri Jodhraj Meena, Aged About 50 Years, R/o Jagatpura, Malviya Nagar,jaipur
- 1/5. Smt. Chandrakanta W/o Shri Prabhuram Meena D/o Late Shri Jodhraj Meena, Aged About 47 Years, R/o Village Pradhanji Ki Nangal, Bassi, Dausa
- 1/6. Smt. Savitri W/o Shri L.I. Meena D/o Late Shri Jodhraj Meena, Aged About 45 Years, R/o Village Chatarpura, Panchayat Dentali, Tehsil Sanganer, District Jaipur
- 1/7. Lavesh Kumar S/o Late Shri Jodhraj Meena, Aged About 38 Years, R/o Village Dand, Darbano Ki Haveli, Tehsil Amer, District Jaipur
- 1/8. Smt. Hansa Meena W/o Shri P.I. Meena D/o Late Shri Jodhraj Meena, Aged About 36 Years, R/o Village- Nangal Susavatan, Near Govt. School, Tehsil Amer District Jaipur

----Appellants

Versus

Kalu Ram Meena S/o Shri Jai Narain Meena, R/o A-32, Jaikishan Colony, Rampura Roopa, Tonk Phatak, Jaipur

----Respondent

For Appellant(s) : Mr. R.K. Mathur, Senior Advocate with
Mr. Aditya Kiran Mathur, Advocate &
Mr. Umesh Kumar Shringi, Advocate

For Respondent(s) : Mr. Bhanwar Singh Rajawat, Advocate

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

31/07/2024 :

The present first appeal under Order 41 Rule 1 r/w Section 96 of the Code of Civil Procedure, 1908 has been preferred on behalf of appellants-defendants against the judgment & decree dt.25.02.2019 passed by the Court of Additional District Judge, No.3, Jaipur District Jaipur, in Civil Suit No.60/2016 (158/06) whereby the suit for specific performance of contract was decreed & permanent injunction was granted in favour of the sole plaintiff-respondent.

Learned counsel appearing for the parties submit that during pendency of the present appeal, both the parties have entered into a compromise & the dispute between them has amicably been settled before the Mediator, Mediation Centre, Rajasthan High Court Bench, Jaipur on 20.06.2024. The report of the Mediator alongwith original compromise duly signed by the parties is available on record. Therefore, both the parties have requested the Court to pass an appropriate order for disposal of the first appeal in terms of compromise.

Heard. Perused.

As per compromise dt.19.06.2024, the respondent-plaintiff (1st party) vide agreement dt.09.10.2005 had paid amount of

Rs.40,01,000/- to the appellants-defendants (2nd party). The appellants-defendants (2nd party) had paid amount of Rs.1,07,00,000/- to the respondent-plaintiff (1st party) in respect of dispute between them and now there remains no dispute between the parties & their legal representatives. The appellants-defendants (2nd party) are in possession of the land, in dispute and now, there is no dispute remains to be adjudicate between the parties and they do not wish to continue the proceedings in the matter.

In view of above, the present appeal is **disposed of** in the light of compromise arrived at between the parties.

Consequently, impugned judgment & decree dt.25.02.2019 is set-aside. The suit is decreed in terms of the compromise. The decree be drawn up accordingly. The terms of the compromise shall be treated as an integral part of this order.

Registrar (Judicial) of this Court is directed to issue a Certificate to the parties to get the Court fees refunded from the Collector (Stamps) concerned.

The stay application & other pending application, if any, are also stand disposed of.

(VINOD KUMAR BHARWANI),J.

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