

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**F.A. No.77 of 2015**

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1. Santosh Kumar Pandey, aged 35 years, son of Sri Akhilesh Kumar Pandey, by faith Hindu, by caste Brahmin, by occupation Business, by nationality Indian, resident of Qr. No.16/2/1, Bagbera Colonoy, P.O. Tatanagar, P.S. Bagbera, Town Jamshedpur, District Singhbhum East.

2. Ram Chandra Yadav, aged 41 years, son of Sri Dodi Yadav, by faith Hindu, by caste Yadav, by occupation Business, by nationality Indian, resident of Gurudwara Basti, Shaheed Bhagat Marg, Cross Road No.2, H. No.246, at P.O. & P.S. Mango, Town Jamshedpur, District Singhbhum East.

.... .... Plaintiffs/ Appellants

*Versus*

1. Most. Suggi Majhian @ Suggi Mardi, wife of Late Damu Majhi, by faith Hindu, by caste Santhal (Majhi), resident of Tola Kadadhora, Tamulia, P.O. P.S. Chandil, District Saraikella Kharsawan.

2. Phulmani Manjhi @ Phulmani Mardi, wife of Babu Majhi, by faith Hindu, by caste Santhal (Majhi) resident of Tola Kadadhera, P.S. Chandil, District Saraikella Kharsawan.

3. Minor Marshal Mardi, son of Late Damu Majhi.

4. Minor Sunder Mardi, son of Late Damu Majhi.

5. Minor Krishna Mardi, son of Late Badu Majhi.

6. Minor Bimal Mardi, son of Late Badu Majhi.

Sl. Nos.3 & 4, represented through their mother and natural guardian Suddi Majhian @ Suggi Mardi and Minor 5 and 6 represented by their mother and natural guardian Phulmani Majhi @ Phulmani Mardi, all (3) to (6) by faith Hindu, by caste Santhal (Majhi) and all resident of Tola Kadamdhera, P.O, P.S. Chandil, District Saraikella Kharsawan.

7. State of Jharkhand represented through Deputy Commissioner, P.O. P.S. and District Saraikella Kharsawan.

.... .... Defendants/ Respondents

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**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Appellants

: Mr. Niraj Kishore, Advocate

For the Resp. Nos.1 to 6

: Ms. Abha Verma, Advocate

For the Resp. No.7

: Mr. Rajiv Ranjan, Advocate (A.G.)

## **Order No.15 Dated- 08.07.2020**

### **I.A. No.10007 of 2019**

Heard the parties through video conferencing.

2. Learned counsel for the appellants as well as learned counsel for the private respondent Nos.1 to 6 jointly submits that the compromise has been effected to between the appellants and the defendant Nos.1 to 6 hence the instant interlocutory application has been filed with a prayer for recording the compromise and disposing up the suit between the parties in terms of compromise..

3. Learned counsel for the appellants as well as learned counsel for the private respondent Nos.1 to 6 jointly submit that as per the terms of the compromise, the private defendants who are the respondents in this appeal, have agreed to the claims of the plaintiffs that the plaintiffs have *Raiyati* right, title and interest and possession over the suit land given in Schedule A, B and C of the property and the private defendants have relinquished their all right title and interest and claim over the Schedule A, B and C land of the plaint in favour of the plaintiffs.

4. The learned Advocate General submits that the State has no objection to the compromise entered into between the private parties so far as their *inter se* dispute is concerned but the plaintiffs having failed to prove their claim of adverse possession in the learned court below the same be not allowed against the respondent no. 7 as the respondent no. 7 has not compromised the dispute.

5. Learned counsel for the respondent Nos.1 to 6 submits that though in the cause-title of the instant interlocutory application, the age of the respondent No.6- Bimal Mardi has been mentioned as 13 years but the same has been mentioned because of the printing error but the real age of Bimal Mardi is 19 years as mentioned in running page-24 of the instant interlocutory application- which is the affidavit duly sworn by the said respondent No.6- Bimal Mardi.

6. Learned counsel for the respondent Nos.1 to 6 further submits that though the parentage of the respondent Nos.3 to 6 has not been mentioned in their respective affidavit at page-18 to 25 of the brief but their parentage is the same as mentioned in page-3 and 4 of this interlocutory application which is the cause-title of this interlocutory application. Hence, it is submitted that their parentage be read as such.

7. Considering the aforesaid submissions made at the bar and after going through the interlocutory application supported by the affidavit sworn in by the plaintiffs and the private respondents, this Court is satisfied that the suit between the plaintiffs and the private defendants has been adjusted so far as the *inter se* dispute between the plaintiffs and the private defendants are concerned regarding the right, title and

interest of the plaintiffs over the Schedule A, B and C land in terms of the compromise as mentioned above in paragraph-3 of this order. Accordingly this appeal and the Title Suit is decreed in terms of the said compromise between the plaintiffs and the private defendants.

8. However, the decree will not be binding upon the State who is the respondent No.7 of this appeal and defendant No.10 in the suit, as it has not entered into compromise and this appeal and the suit will remain dismissed against the respondent No.7 of this appeal and defendant No.10 in the suit.

9. Accordingly, this interlocutory application as well as this appeal stand disposed of.

10. Registry is directed to prepare the decree in terms of the said compromise.

11. Send back the lower court records along with a copy of this order to the trial court forthwith.