

(2018) 02 CHH CK 0257
Chhattisgarh High Court
Case No: M.C.C. No.117 Of 2018

Gopal Prasad

APPELLANT

Vs

Ram Bai And Ors

RESPONDENT

Date of Decision: Feb. 15, 2018

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Vimlesh Bajpai, Anand Gupta, Neeraj Sharma

Final Decision: Dismissed

Judgement

Arvind Singh Chandel, J

1. Shri Vimlesh Bajpai, Learned Counsel appearing for the Applicant submits that in Second Appeal No.129 of 2004 an out of Court settlement had

taken place between the parties and a compromise petition was filed by them on 26.7.2016. On this ground, on 9.1.2018, Second Appeal No.129 of

2004 was dismissed as withdrawn on the submission made by the Applicant/Appellant that he does not want to press the appeal. Now, the

Applicant/Appellant wants and prays for modification in the order dated 9.1.2018 that the second appeal be dismissed as withdrawn because of the

aforesaid out of Court settlement.

2. The prayer is not opposed by the other side.

3. The M.C.C. is allowed.

4. Paragraphs 1 and 2 of the order dated 9.1.2018 passed in Second Appeal No.129 of 2004 are modified. Now, the following order be read in their

place:

1. Learned Counsel appearing for the Appellant submits that an out of Court settlement has taken place between the parties and a compromise petition has been filed by them on 26.7.2016. He further submits that in view of the out of Court settlement between the parties, he wants to withdraw the appeal.

2. Taking into consideration the above submission made by Learned Counsel for the Appellant, the appeal is dismissed as withdrawn.