

**IN THE COURT OF SENIOR CIVIL JUDGE- 1
AIZAWL DISTRICT :: AIZAWL**

CIVIL SUIT NO. 78 OF 2010

Plaintiff:

Mr. Dasharath Sahi
S/o Harinaram Sahi (L)
Chaltlang Lily Veng, Aizawl

By Advocates

: 1. Mr. B. Lalramenga
2. Mr. Reuben L. Tochwawng
3. Mr. J.C. Lalnunsanga

Versus

Defendants:

1. Mr. Lalremsanga
H. No. T-40
Bungkawn, Aizawl
2. The State of Mizoram
Represented by the Chief Secretary to Govt. of Mizoram
3. The Director
Land Revenue and Settlement Department
Govt. of Mizoram
4. The Assistant Settlement Officer-I
Land Revenue and Settlement Department
Govt. of Mizoram
Aizawl District: Aizawl

By Advocates

:

For the defendant no. 1

1. Mr. W. Sam Joseph
2. Mr. F. Lalenglana
3. Mr. Hranghmingthanga Ralte
3. Mr. Francis Vanlalzuala

For the defendants 2-4

1. Mr. R. Lalremruata, AGA
2. Miss Bobita Lalhmingmawii, AGA

Date of Hearing

: 19-03-2012

Date of Judgment & Order

: 19-03-2012

BEFORE

Dr. H.T.C. LALRINCHHANA, MJS
 Senior Civil Judge-1
 Aizawl District: Aizawl

JUDGMENT & ORDER

This is a suit for declaring that the plaintiff has liquidated the loan from the defendant no. 1 and the defendant no. 1 is liable to return the LSC No. Azl. 702 of 1983 and property located therein immediate and directed the defendants to leave the peaceful possession of the suit land by the plaintiff.

Although the defendants contested in the suit, faithfully and by showing their fidelity, parties compromised the disputes in the following terms-

“The defendant no. 1 Mr. Lalremsanga will hand over the suit properties under LSC No. Azl. 702 of 1983 located at Bawngkawn, Aizawl immediately and further covenanted not to disturb the plaintiff henceforth for his peaceful possession, entitlement and enjoyment of rights over to LSC No. Azl. 702 of 1983 located at Bawngkawn, Aizawl by allowing the plaintiff to mutate the said suit LSC into his name. More so, the plaintiff secede his monetary claims from the defendant no. 1 in his plaint. Meanwhile, the defendant no. 1 will receive the house rent amount deposited to this court during pending of the case in total”

Although the defendants 2-4 did not sign the said compromise deed, their interference is proforma in nature without having an interest except to abide by the decisions of the court. Thus, I am therefore satisfied with the terms of compromise Dt. 15/3/2012 in terms of O. XXIII, R. 3 of the Code of Civil Procedure, 1908 as submitted by learned counsels of the plaintiff and the defendant no. 1. In a nutshell, this compromise decree is satisfactory in the light of the decisions of Hon’ble Supreme Court in **Pushpa Devi Bhagat (D) Th. LR.Smt. Sadhna Rai Vs. Rajinder Singh & Ors.** in connection with Appeal (civil) 2896 of 2006 decided on 11/07/2006 and reported in 2006 AIR 2628, 2006 (3) Suppl. SCR 370, 2006 (5) SCC 566, 2006 (7) SCALE 8, 2006 (6) JT 235. Also vide. **State of Punjab (Now Haryana) & Ors. Vs. Amar Singh & Anr.** decided on 21/01/1974 reported in 1974 AIR 994, 1974 (4) SCC 305: **Jineshwardas (Dead) Through L. Rs. & Ors. Vs. Smt. Jagrani & Anr.** in connection with Appeal (civil) 8104-8105 of 2003 decided on 26/09/2003 reported in 2004 AIR 173, 2003 (5) Suppl. SCR 290, 2004 (1) SCC 191, 2003 (9) SCALE 393, 2003 (8) JT 478: **Byram Pestonji Gariwala vs Union Bank Of India And Ors** decided on 20 September, 1991 reported in 1991 AIR 2234, 1991 SCR Supl. (1) 187.

The house rent amount deposited in this court over to the suit properties during pendency of the case worth amounting to Rs. 2,26,984.00 (Rupees two lakhs, twenty six thousand, nine hundred and eighty four) shall be handed over/released to the defendant no. 1 namely Mr. Lalremsanga by issuing Cheque as deposited the same in Axis Bank, Aizawl.

In the above terms, the case shall stand disposed of.

Give this copy to all concerned.

Given under my hand and seal of this court on this 19th March, 2012 Anno Domini within the premises and during the working hours of this court and is pronounced in an open court.

Dr. H.T.C. LALRINCHHANA

Senior Civil Judge- 1
Aizawl District: Aizawl

Memo No. CS/78/2010, Sr. CJ (A)/

Dated Aizawl, the 19th March, 2012

Copy to:

1. Mr. Dasharath Sahi S/o Harinaram Sahi (L), Chaltlang Lily Veng, Aizawl through Mr. B. Lalramenga, Adv.
2. Mr. Lalremsanga, H. No. T-40, Bungkawn, Aizawl through Mr. W. Sam Joseph, Adv.
3. The State of Mizoram Represented by the Chief Secretary to Govt. of Mizoram through Mr. R. Lalremruata, AGA
4. The Director, Land Revenue and Settlement Department, Govt. of Mizoram through Mr. R. Lalremruata, AGA
5. The Assistant Settlement Officer-I, Land Revenue and Settlement Department, Govt. of Mizoram, Aizawl District: Aizawl through Mr. R. Lalremruata, AGA
6. P.A to Hon'ble District Judge, Aizawl Judicial District- Aizawl
7. Case record

PESKAR