

DURGA PRASAD (DEAD) BY LRS.

v.

SMT. GITA KUMAR AND ORS.

NOVEMBER 23, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Compromise decree—Settlement in terms of—Disposal of appeal.*

In this appeal the parties have signed a memorandum of compromise wherein it has been clearly stated that the first respondent had willingly agreed to transfer her interest in the land for a valuable consideration. Disposing the appeal, this Court.

**HELD :** Since the matter has been settled out of the Court, it is not necessary to go into the controversy. [623-H]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2738 of 1979.

From the Judgment and Order dated 29.8.78 of the Patna High Court in Appeal from Appellate Decree No. 602 of 1974.

M.P. Jha for the Appellant.

The following Order of the Court was delivered :

It was stated in the memorandum of compromise filed in this Court, that the first respondent had willingly agreed to transfer her right, title and interest in the land, as found by the High Court of Patna in Second Appeal No. 602/74, in the order dated August 29, 1978, for a valuable consideration of Rs. 29,000 payable in lump sum as agreed between the parties. A copy of the receipt dated 30.3.1980 has already been placed on record signed by the husband of the first respondent that the said amount was already received by her. He stated therein that in his presence the amount was passed on to his wife. Under these circumstances, since the matter has been settled out of the Court, it is not necessary to go into the controversy. The appeal is accordingly disposed of in terms of the above compromise. No costs.

A The Registry is directed to communicate this order to the respondents as they are not appearing in person or through counsel.

T.N.A.

Appeal disposed of.