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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 28th OF JULY, 2023

WRIT PETITION No. 8472 of 2016

BETWEEN:-

1. **MANINDRA PATHAK S/O SHRI RAMADHAR PATHAK, AGED ABOUT 42 YEARS, R/O SHIV PRASAD WARD NO 15 RATHARA TEH HUZUR, DISTT. REWA (MADHYA PRADESH)**
2. **UMESH LADWANI S/O SHRI HARPALDAS LADWANI, R/O SHASHTRI NAGAR GALLA MANDI AMHIYA TEH. HUZUR, DISTT. REWA (MADHYA PRADESH)**
3. **CHANDRAKANT MISHRA S/O SHRI RAJARAM MISHRA, R/O ANANTPUR TEH. HUZUR, DISTT. REWA (MADHYA PRADESH)**
4. **ASHISH KUMAR DWIVEDI S/O SHRI NARENDRA PRASAD DWIVEDI, R/O VILLAGE AND POST LOOK PRESENTLY RESIDING AT OPPOSITED TO MANGL PARK ANANTPUR TEH HUZUR, DISTT. REWA (MADHYA PRADESH)**
5. **RAJ SINGH S/O SHRI DULICHAND SINGH R/O UPVAN ANGAR BODABAGH REWA, TEHSIL HUZUR, DISTT. REWA (MADHYA PRADESH)**

.....PETITIONERS

(NONE)

AND

1. **SURENDRA PRASAD SHARMA S/O SHRI RAMPRASAD SHARMA, AGED ABOUT 45 YEARS, OCCUPATION: TEACHING IN PRIVAT SCHOOL, R/O WARD NO 9 SUNDAR NAGAR TEH- HUZUR, DISTT. REWA (MADHYA PRADESH)**
2. **SMT. SATILIYA W/O LATE SHRI BHOORA CHARMKAR, AGED ABOUT 70 YEARS, OCCUPATION: HOUSE WIFE, R/O VILLAGE**

RATHARA POST RATHARA TEH. HUZUR, DISTT.
REWA (MADHYA PRADESH)

3. RAMAVTAR CHARMKAR S S/O LATE SHRI BHOORA CHARMKAR, AGED ABOUT 51 YEARS, OCCUPATION: LABOURSHIP VILLAGE RATHARA POST RATHARA TEH. JUZUR, DISTT. REWA (MADHYA PRADESH)
4. BHIYALAL (DEAD) THR. LRS RAJESH SAKET S/O LATE SHRI BAHİYALAL, AGED ABOUT 25 YEARS, R/O VILLAGE RATHARA POST RATHARA TEH. HUZUR, DISTT. REWA (MADHYA PRADESH)
5. KANCHAN SAKET S/O BHAIYALAL, AGED ABOUT 22 YEARS, R/O VILLAGE RATHARA POST RATHARA, TEHSIL HUZUR, DISTT. REWA (MADHYA PRADESH)
6. SMT. BOOTH, D/O LATE SHRI BHOORA CHARMKAR, AGED ABOUT 40 YEARS, R/O VILLAGE DHAVARI, TEHSIL RAGHURAJNAGAR, DISTT. SATNA (MADHYA PRADESH)
7. PRAMOD SINGH PARIHAR S/O NAGESHWAR SINGH PARIHAR VILLAGE KONIYA KHURD TEH. TEONTHAR, DISTT. REWA (MADHYA PRADESH)
8. DINESH SINGH S/O VEERBHAN SINGH VILLAGE DEVRA TEH. SIRMOUR DISTT. REWA PRE. TILAK NAGAR, TEH. HUZUR, DISTT. REWA (MADHYA PRADESH)

.....RESPONDENTS

(NONE)

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This petition coming on for admission this day, the court passed the following:

ORDER

This writ petition is filed under Article 227 of the Constitution of India being aggrieved of order dated 13/4/2016 passed by learned District Judge, Rewa in Civil Suit No.9A/2014 accepting the compromise between plaintiff and defendant No.1 obvious of the fact that the land in question was sold by defendants No.1 to 4 in favour of defendants No.5 to 11 through a registered

sale deed dated 01/09/2014.

2. It is submitted that the land mentioned in Survey No.372/1 is part of land which has been accepted as part of the compromise. It is submitted that once defendants No.1 to 4 had already executed registered sale deed in relation to the said land i.e. survey No.372/1 in favour of defendants No.5 to 11, then no compromise could have been affected by the defendant No.1 with the plaintiff and to that extent impugned order is contrary to the law and is liable to be set aside.

3. After going through the record, there is substance in the submissions made by petitioners. Once the sale deed which was affected on 01/09/2014 is the subject matter of the suit bearing No.9A/2014 and the allegation of the plaintiff is that defendants No.1 to 4 unauthorizedly sold that land in violation of the agreement which was executed between defendants No.1 and the plaintiff, then unless that sale deed is set aside, no order for compromise could have been made by learned District Judge, Rewa.

4. This Court is in agreement with the submissions made by the petitioners. Impugned order is illegal on the face of the record. No compromise could have been affected in a disputed matter specially when defendant No.1 had sold property in question contained in survey No.372/1 through a registered sale deed in favour of defendants No.5 to 11. Unless that sale deed is cancelled, no rights have accrued in favour of the plaintiff.

5. Accordingly, this petition is allowed. The impugned order is hereby set aside. Suit is restored to its original number to be concluded on its own merits within a period of six months of receipt of certified copy of the order being passed today.

6. Later on, Shri Sheshraj Kushwaha, learned counsel, appears on behalf of

the petitioners and prays for marking his presence.

7. On his request, his presence is marked.
8. In above terms, this petition is allowed and disposed of.

(VIVEK AGARWAL)
JUDGE

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