IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH

ON THE 22nd OF NOVEMBER, 2023

FIRST APPEAL No. 168 of 2016

BETWEEN:-

1. **BRIJMOHAN PARIHAR (DELETED) 1(A) SMT. MANI SINGH W/O SHRI AJAY TAYDE D/O LATE SHRI BRIJMOHAN PARIHAR, AGED ABOUT 42 YEARS, R/O HOUSE NO. M-703, PHASE NO. V, SILVASA DADAR NAGAR HAVELI (U.T.)**

2. **BRIJMOHAN PARIHAR S/O SHRI D.S. PARIHAR (DELETED) LRS KUM MEKHLA D/O LATE SHRI BRIJMOHAN PARIHAR, AGED ABOUT 41 YEARS, OCCUPATION: NIL R/O S.P.A. RES. COLONY, FLAT NO. 6, TAIMUR NAGAR, FRIENDS COLONY (DELHI)**

3. **BRIJMOHAN PARIHAR S/O SHRI D.S. PARIHAR (DELETED) LRS ABHISHEK SINGH S/O LATE SHRI BRIJMOHAN PARIHAR, AGED ABOUT 39 YEARS, R/O A-19 BASANT VIHAR, LASHKAR, DISTRICT GWALIOR (MADHYA PRADESH)**

4. **SMT. RASHMI PARIHAR W/O SHRI BRIJMOHAN PARIHAR R/O 19 BASANT VIHAR COLONY, GWALIOR (MADHYA PRADESH)**

.....APPELLANTS

(BY SHRI SURBHIT SAXENA - ADVOCATE)

AND

1. **SMT. MANJEET KAUR BHALLA W/O SHRI DR. A.S. BHALLA R/O 19-A, BASANT VIHAR COLONY, GWALIOR (MADHYA PRADESH)**

2. **DR. A.S. BHALLA S/O SHRI BABA UJAGAR SINGH BHALLA R/O 19-1 BASANT VIHAR COLONY GWALIOR (MADHYA PRADESH)**

3. **CHIRANJEEV HOSPITAL SERVICES PRIVATE LIMITED THROUGH ITS DIRECTOR DR.**

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AMARJEET SINGH BHALLA R/O BASANT VIHAR COLONY, LASHKAR GWALIOR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI PURUSHOTTAM RAI - ADVOCATE FOR RESPONDENT NO.2)

This appeal coming on for hearing this day, the court passed the following:

ORDER

This First Appeal under Section 96 of the CPC has been filed against the judgment and decree dated 25.07.2016 passed in civil suit No.67A/2012 by Xth Additional District Judge, Gwalior (M.P.).

It is submitted by counsel for the appellants that amendment has been carried out on 21.11.2023 in compliance of the order dated 21.11.2023.

Perused the compromise verification report of Principal Registrar, Gwalior Bench dated 08.11.2023 in compliance of this Court's order dated 06.11.2023. Respondent No.1-Smt. Manjeet Kaur Bhalla was not present before the Principal Registrar for verification of compromise but other parties were present in person and identified by their respective counsel. Statements of respondent No.2- Dr. A.S.Bhalla, Ms.Mekhla Parihar, Smt.Mani Singh (Tayde), Abhishek Parihar and appellant No.2-Smt. Rashmi Parihar have been recorded and all were identified by their photographs and adhar cards.

Learned counsel for respondent submits that Smt. Manjeet Kaur Bhalla is out of India, therefore, her statement could not be recorded but on I.A. No.6363/2023, an application under Order 23 Rule 3 CPC dated 31.10.2023, there is a signarure of Manjeet Kaur but there is no affidavit is filed on her behalf and affidavits of Smt.Rashmi Parihar and Dr.A.S.Bhalla have been filed.

Looking to the overall situation in this case, it would be appropriate if

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conditional compromise is recorded and case is disposed of and if Manjeet Kaur has any grievance, then she may agitate before this Court. Therefore, this I.A.No.6363/2023 is allowed with aforesaid condition.

I.A.No.6363/2023 shall be a part of decree to the extent indicated above.

With this observation, this civil case is disposed of in terms of compromise regarding the criminal case, parties have to move before the learned competent criminal Court.

At this juncture, learned counsel for both the parties submit that Smt.Majeet Kaur is arriving in India on 14.12.2023, therefore, on arrival she will file an affidavit consenting to the compromise and permission may be granted to file affidavit on that behalf.

Prayer allowed.

Let decree be drawn up after 14.12.2023 awaiting the affidavit of Smt.Manjeet Kaur in person.

Accordingly, this appeal is disposed of.

Let a copy of this order and decree be sent to the concerned Court along with the record after the decree is drawn up.

(AVANINDRA KUMAR SINGH)
JUDGE

Adnan

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