

Where compromise  
against the provisions  
of the u.p.



**ASSIGN  
BUSTER**

Where it is proved to the satisfaction of the court that a suit has been adjusted wholly or in part by any lawful agreement to compromise in writing and signed by the parties, or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject-matter of the suit, the court shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith so far as it relates to the parties to the suit whether or not the subject-matter of the agreement, compromise or satisfaction is the same as the subject-matter of the suit.

The rule does not confer discretion on the court. When it is established that a suit has been adjusted either wholly or in part by a lawful compromise, it is the duty of the court to record it and pass a decree in accordance therewith, except that the court has an inherent power not to allow the proceeding to be used to work a substantial injustice. But if the agreement or compromise is unlawful as where it is opposed to public policy the court has no jurisdiction to pass a decree on the compromise even though both the parties consent thereto. (O. 23, R.

3). The compromise in order to be acceptable should not go against the provision of law. A compromise against the provisions of the U.

P. Zamindar' Abolition and Land Reforms Act could not be deemed lawful just on the basis of its form and presentation. (Jagannath v. Siya Ram, 1983 A.

W. C. 94, Revenue).