

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No.162 of 2025
Date of decision: 21.09.2026

Jakir Hussain ...Appellant.

Versus

Narender Singh & another ...Respondents.

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the appellant : Mr. Deven Khanna, Advocate along with appellant in person.

For the respondents : Mr. Sohail Khan, Advocate, for respondent No.1.

Mr. Arvind Sharma, Senior Advocate with Mr.Digvijay Singh Thakur, Advocate, for respondent No.2.

Romesh Verma, Judge (Oral):

This regular second appeal arises out of the judgment and decree as passed by the learned Additional District Judge, Nalagarh, District Solan, HP, dated 06.11.2024whereby the appeal preferred by the plaintiff was dismissed and the judgment and decree as passed by the learned Civil Judge, Court No. 2, Nalagarh, dated 07.11.2020, was affirmed, whereby the suit filed by the plaintiff was partly decreed and he was held entitled to refund of the earnest money without interest. It was held that the plaintiff shall be entitled to the return of advance consideration amount of Rs.1,90,000/- paid under the agreement.

Whether reporters of Local Papers may be allowed to see the judgment?

2. Feeling dissatisfied with the judgments and decrees passed by both the learned Courts below, the plaintiff approached this Court by instituting the regular second appeal.

3. During the pendency of the appeal, the matter was referred to the mediation of Mr. Dilip Sharma, Senior Advocate and a trained Mediator on 18.11.2025.

4. It is heartening to note that with the intervention of the learned Mediator, the parties have entered into a settlement and the dispute has amicably been resolved. As per the terms and conditions of the settlement, Shri Narender Singh, respondent No. 1, has agreed to pay an amount of Rs.13,00,000/- on or before 28.02.2027 to the appellant, Shri Zakir Hussain, as full and final settlement of the dispute. On payment of the aforesaid amount, the appellant Shri Zakir Hussain will vacate the suit land measuring 1 bigha, bearing Khasra No. 1206/762, (1-0), comprised in Khata/Khatauni No.35/35 min, situated in the area of village Nangal Upperla, Pargana Plassi, Tehsil Nalagarh, District Solan, HP, which is recorded in the ownership of Narender Singh and Shri Zakir Hussain will not have any claim over the suit land thereafter.

5. The settlement was entered into between the parties before the learned Mediator and the same is taken on record and marked as Ext. C-1.

6. During the pendency of the appeal, respondent No. 1 has liquidated the loan amount in favour of the bank, i.e., respondent No.2, and the said fact has been duly acknowledged by the learned Senior Counsel appearing for respondent No. 2.

7. As the matter stands settled and compromised *inter se* the parties, therefore, on the strength of the settlement, which is Ext. C-1, the present appeal is disposed of and the judgments and decrees passed by the learned Courts below are modified to the aforesaid extent.

8. The Registry is directed to prepare the decree in terms of the settlement arrived at between the parties on 23.07.2026 and it shall form part of the decree. In case the parties approach the revenue authorities for the incorporation of the settlement arrived at between the parties, the revenue authorities are directed to take up the same to its logical end positively within a period of four weeks from today.

9. In view of above, the present appeal stands disposed of along with pending application(s), if any.

(Romesh Verma)
Judge

21st September, 2026
(vt)