

203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.1387 of 2010 (O&M)

Date of Decision: 04.12.2015

RAJEEV KUMAR AND ORS.

.....Petitioners

Vs

RAKESH KUMAR AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikas Mohan Singh, Advocate
for the petitioners.

Mr. Aayush Arora, Advocate
for respondent No.3.

Mr. Amandeep Saini, Advocate
for respondents No.12 to 14.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have assailed the order dated 23.05.2009 passed by Civil Judge (Jr. Divn.) Anandpur Sahib wherein application under Order 23 Rule 1-A read with Section 151 CPC for restoration of main suit and for transposing the petitioners as plaintiffs was declined.

[2]. Notice of motion was issued on 14.07.2010. Vide order dated 23.08.2013, respondents No.12 to 14 were ordered to be

impleaded as parties in this case. Notice was also issued to them. On 10.07.2015, learned counsel for the respondents No.3, 12 and 14 submitted before this Court that the matter has been compromised between the parties. They sought time in this regard.

[3]. On 01.09.2015, this Court recorded that both the parties are *ad idem* that the compromise has been effected. The case was adjourned for filing the copy of compromise (if any) on record. Thereafter on 16.10.2015, learned counsel for both the sides contended that the broadlines of compromise have been reduced into writing and the same will be placed on record.

[4]. On the last date i.e. 26.11.2015, learned counsel for the petitioners stated before this Court that though the compromise has been written but factum of transfer of land measuring 2.19 *Kanals* and one shop could not be recited in the compromise. Learned counsel for the parties agreed that on the adjourned date i.e. today both the parties will appear before this Court and will depose in the context of compromise with reference to alterations, if any.

[5]. Today petitioner No.1 Rajeev Kumar is present in Court and he has been identified by his counsel Mr. Vikas Mohan Gupta. Similarly respondent No.3 Rajinder Nath is also present in Court and he has also been duly identified by his counsel

Mr. Aayush Arora. Admittedly respondent No.3 is the contesting respondent in the present case.

[6]. Learned counsel for respondent No.3 on instructions from Rajinder Nath S/o Hakam Rai (respondent No.3) states that 2.19 *Kanals* of land is agreed to be transferred in favour of petitioners and one shop is also agreed to be transferred by respondent No.3 in the name of petitioner No.1-Rajeev Kumar.

[7]. Learned counsel further states that cash amount of Rs.5 lacs is to be paid by respondent No.3 to the petitioner No.1 and the expenses towards registration of transfer of land as well as shop are to be borne by respondent No.3.

[8]. Respondent No.3-Rajinder Nath has undertaken the aforesaid obligation as per compromise between the parties.

[9]. In view of aforesaid statement made by learned counsel for the respondents No.3 on instructions from respondents No.3, learned counsel for the petitioners wishes to withdraw this revision petition.

[10]. Dismissed as withdrawn in terms of statement made by learned counsel for respondent No.3.

December 04, 2015

Atik

**(RAJ MOHAN SINGH)
JUDGE**