

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.5493 of 2014

Date of decision: 14.09.2015

Mohan Lal

.... Petitioner

versus

Vijay Kumar Gupta and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Sherry K. Singla, Advocate,
for the petitioner.

Mr.R.K. Singla, Advocate,
for respondent No.1.

K.Kannan, J. (Oral)

1. A suit which was dismissed as withdrawn on the basis of a compromise is sought to be given effect to by the defendant. The defendant is attempting to put the compromise term by an execution petition. The court has allowed such a prayer for the defendant.

2. There is no question of enforcement of a compromise term which was not the basis for grant of a decree. On the other hand, the suit filed by the petitioner-plaintiff had come to be dismissed as withdrawn. There was no compromise decree. The court finding that the parties will abide by the compromise was a needless surplusage in a situation where the suit of the plaintiff itself

had been permitted to be withdrawn. If there had been a compromise, any party which is bound by the same, may seek for its enforcement by independent action and use the compromise term in accordance with law. There is no scope for the suit that was dismissed as withdrawn to be understood as a lawful decree by compromise in favour of the defendant to be put in execution.

3. The impugned order is set aside and the revision petition is allowed with liberty to the respondent to resort to any other course of action permissible by law to enforce the terms by independent suit.

(K.KANNAN)
JUDGE

14.09.2015
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