

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.6266 of 2014

Date of Decision.02.03.2015

Hazari Lal son of Umda Ram

.....Petitioner

Versus

Gram Panchayat Sujapur and others

.....Respondents

Present: Mr. Ram Darshan Yadav, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. A compromise decree which the petitioner has obtained against the Gram Panchayat under terms of which the Gram Panchayat has offered to remove some construction opposite his house is sought to be stifled by yet another person who was not a party to the compromise filing a suit against Gram Panchayat and securing an order of status quo with reference to very same construction. When the compromise decree was put in execution and when the Gram Panchayat did not act as per the terms of the compromise, the order passed against the Gram Panchayat where the Court has issued a status quo order is put up in defence to explain how the Gram Panchayat is unable to comply with the undertaking given through the compromise decree.

2. The petitioner's argument is two-fold. One, Net Ram at whose instance an order of status quo is said to have been obtained has not taken any steps to assail the compromise and therefore, he will be

bound by the compromise decree. It is also stated that an order to compromise passed by a higher court cannot be stultified by the interim order passed by a subordinate court.

3. The issue is not whether the lower court could have passed an order to make ineffective a compromise decree passed by a higher court. The issue is whether the decree which the petitioner has obtained in compromise with the Gram Panchayat can be put in execution. It will be binding and final only between parties and if any other person makes a case that the construction should not be removed and he has obtained an interim order, that order will have to be respected and an execution of the decree cannot be done. If the petitioner is aggrieved, his remedy will be to seek for an impleadment in the suit in which the interim order has been passed and for vacating the same, if he can show that he has a prima facie case. The compromise cannot be binding any more than parties to compromise and if Net Ram is not making a claim under the Gram Panchayat, then there will be no fetter for Net Ram to establish his own case. The Court which has passed the interim order will decide on rights of parties on the basis of evidence as is furnished before it.

4. With these observations, the civil revision is dismissed.

(K. KANNAN)
JUDGE

March 02, 2015
Pankaj*