

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 6984 of 2015
Date of decision : October 19, 2015

Satwinder Singh

..... Petitioner

Versus

Albel Singh and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A. P. Kaushal, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the present petition is to the impugned order dated 20.8.2015 (Annexure P-11) whereby an application filed by the petitioner-defendant to dispose of the suit on the basis of compromise arrived at between the parties prior to filing of the suit had been declined on the ground that compromise dated 17.3.2013 (Annexure P-7) is not registered.

Learned counsel for the petitioner-defendant submits that the manner and mode in which the application has been dismissed is not called for as the trial court could not have non-suited the petitioner on the ground of registration of the compromise as the compromise was in respect of already existing paths, therefore, the compromise did not require registration.

I have heard learned counsel for the petitioner and appraised the paper book.

The petitioner-defendant has already filed a written statement and taken a preliminary objection viz-a-viz maintainability. In my view, the petitioner-defendant could not have sought its disposal, the way it is attempted to do so. At the best, the petitioner-defendant would be at liberty to prove the same in the evidence, much less, confronting the plaintiff in the cross examination.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

It is made clear that the finding rendered by the trial court in declining the application shall not come in the way of the petitioner-defendant in proving i.e. by leading direct and cogent evidence with regard to the execution of the compromise dated 17.3.2013.

With the aforementioned observations the revision petition is disposed of.

October 19, 2015
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(AMIT RAWAL)
JUDGE