

CR No. 990 of 2015

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

CR No. 990 of 2015(O&M)

Date of Decision: November 27, 2015

Kashmir Singh

.... Petitioner

vs.

Balwinder Kaur

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M. S. Sachdev, Advocate
for the petitioner.

Mr. Karanvir, Advocate
for the respondent.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

In a suit filed for cancellation/setting aside of sale deed dated 09.06.2008, parties entered into compromise, whereby attorney of the defendant made the following statement:-

"I am general power of attorney of defendant Balwinder Kaur and the certified copy of general power of attorney is Ex.A.1. The defendant has entered into compromise in the present case with the plaintiff and the defendant has no objection if the registry dated 09.06.2008 regarding the land in dispute and house in dispute is cancelled. Hence, the registry may be set

aside.”

In view of the said statement the Presiding Officer of the Lok Adalat, Phillaur on 12.09.2009 passed the following order:-

In view of the statements of parties recorded on 25.07.2009 present application stands dismissed as withdrawn. Parties shall remain bound down by their statements made on said date. File be consigned to record room.

The plaintiff preferred the review of the above order in which the opposite party raised no objection. However, vide the impugned order dated 26.09.2014 the application for review was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the file.

I am of the view that when the parties have entered into compromise and the defendant had stated that he has no objection if the sale deed dated 09.06.2008 is cancelled and the suit of the plaintiff is decreed then either the compromise decree should have been passed or the suit should have been decreed. The Presiding Officer of Lok Adalat, Phillaur dismissed the suit as withdrawn, where as the said suit was never withdrawn. Therefore the order is apparently erroneous. In this way, there is error apparent on the record. The lower Court erred in dismissing the review application.

As such the impugned order is set aside. The order dated 12.09.2009, dismissing suit as withdrawn is also set aside and the

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lower Court is directed to decide the matter afresh considering the statement of parties.

The revision petition stands disposed of.

November 27, 2015

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**(KULDIP SINGH)
JUDGE**