

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

VARINDER SINGH
2015.08.05 15:02
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Punjab & Haryana High Court at
Chandigarh

RSA No. 1543 of 1989 (O&M)

Date of decision : 5.8.2015

Satnam Singh and others

.. Appellants

versus

Kali Charan Keshan and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the appellants.

Mr. Nitin Sarin, Advocate, for the respondents.

Rajesh Bindal, J.

The defendants are before this Court impugning the judgment and decree of the learned Lower Appellate Court whereby the suit for possession filed by the respondents/ plaintiffs was decreed.

Learned counsel for the respondents have produced in Court, an order dated 21.12.2002 passed by the Executing Court pointing out therein that parties to the dispute have compromised the matter, which was placed on record as Ex. C1 before the Executing Court. The appellants/judgment debtors stated before the Executing Court that they would be bound by the terms of the compromise. The order passed by the Executing Court reads as under:-

“Vakalatnama on behalf of DH and JD filed today. JDs have made a statement that they have arrived at compromise with the DH vide Ex. C-1 and they would be bound by the compromise, while General Attorney of the trust has made a statement that he does not wish to proceed with the execution petition and the same be dismissed as withdrawn. Parties have placed on record Ex.C-1 which is to the effect that JD shall vacate the decretal property by 31.12.2006 on the own. Heard. Parties shall remain bound by the statement suffered by them. In view of the statement of the DH, the execution petition is dismissed as withdrawn. File be consigned to record room.”

None has appeared for the appellants.

In view of the order passed by the Executing Court wherein the appellants/ judgment debtors stated that the matter in dispute has been compromised, in my opinion, nothing survives in the present appeal. However, as none has appeared for the appellants, the appeal is dismissed for non-prosecution.

5.8.2015
vs

(Rajesh Bindal)
Judge