

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

**CM No.7615-C-2015 in/and
RSA No.457 of 1994
Date of Decision: 15.07.2015**

Manjit Kaur

.....Appellant

Versus

Surjit Kaur and others

..... Respondents

CORAM : HON'BLE MS.JUSTICE RITU BAHRI

Present: Mr. G.S. Sidhu, Advocate
 for the appellant.

 Mr. H.S.Saini, Advocate
 for the respondents.

RITU BAHRI, J. (Oral)

The appellant/defendant-Manjit Kaur has come up in this Regular Second Appeal against the judgment of the trial Court dated 26.05.1990 and Lower Appellate Court dated 05.08.1993 whereby her suit for declaration, declaring the plaintiff along with defendant No.1 equal share holders of the land situated in revenue estate in Village Lohar Majra and declaring the Mutation No.495 dated 27.11.1985 sanctioned by A.C., IInd Grade Dhuri regarding the estate of Mehar Singh S/o Hira Singh in favour of defendant No.1 as null and void.

The appellant-defendant was claiming her right in the property pursuant to the Will (Ex.D-1) dated 27.09.1985. The suit of the plaintiff was decreed and the Will (Ex.D-1) was held to be forged and fabricated. Appeal filed against the judgment and decree of trial Court was dismissed.

During the pendency of the RSA in this Court, a compromise has been effected between the parties which has been placed on record.

A perusal of the compromise shows that a separate suit has

been filed by sons of appellant/defendant-Manjit Kaur on the basis of a registered Will dated 27.01.1985 alleged to have been executed by Mehar Singh S/o Hira Singh vide a Civil Suit No.1076/22.12.1989 against Manjit Kaur and Surjit Kaur. The suit was decreed by the trial Court on 23.11.1994 and the judgment and decree was dismissed by the Lower Appellate Court on 28.10.1999 and thereafter no appeal was filed in the High Court and the judgment dated 28.10.1999 attained finality. The plaintiff in the suit was in possession of the land in dispute which is now the subject matter of RSA No.457 of 1994.

With the interventions of the respectable, both the parties have now settled the dispute as per the terms and conditions.

Learned counsel for the respondents was appearing with the LRs of Surjit Kaur, who are Jasbir Kaur, Sukhwinder Kaur and Paramjit Kaur. All the above are impleaded as respondents by way of filing of CM No.7156-C-2014 and CM No.9124-C-2014, which were allowed on 27.01.2015. Affidavit of all the LRs of Surjit Kaur have been filed in the Court today and same are taken on record. They have been identified by the counsel. In these affidavits they have admitted the contents of their compromise.

In view of the affidavits, the present RSA is disposed of having been compromised.

July 15, 2015
ps-I

(RITU BAHRI)
JUDGE