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

**ESA No.1000 of 1997 (O&M)
Date of Decision: 26.08.2015**

AMRIT RANI

.....Appellant

Vs

MAM RAJ AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Parteek Mahajan, Advocate
for the appellant with
Mr. Raj Pal Sachdeva and Mr. Ashwani Kumar Sachdeva
sons of Amrit Rani (in person).

Mr. C.B. Goel, Advocate
for the respondents with
Parmod Kumar son of
Mam Raj-respondent No.1 (in person)

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?***

RAJ MOHAN SINGH, J.(Oral)

One Durga Dass original owner of the house had entered into an agreement of sale on 01.06.1981 in favour of decree-holder Mam Raj and his sons namely Parmod Kumar, Parveen Kumar and Naveen Kumar for a consideration of Rs.45,000/-. The target date for execution of sale deed was upto 31.05.1983. In the meantime the owner also received an amount of Rs.15,000/- and Rs.12,000/- from the decree-holders.

In due course, suit for specific performance came to be filed by the decree-holders. The suit was decreed in favour of Mam Raj

and others against Durga Dass and Amrit Rani vide judgment and decree dated 23.08.1987. In civil suit No.433 of 1982 the decree for possession by way of specific performance of agreement dated 01.06.1981 was passed in favour of decree-holders. The appeal filed against the decree-holders was also dismissed on 25.07.1981.

Thereafter the decree-holders namely Mam Raj and others filed execution petition, seeking execution of sale deed in their favour. With the process of the Court, sale deed was duly executed.

Amrit Rani, filed objections to the execution of the decree for specific performance. Having remained unsuccessful before the executing Court and also in appeal before the lower appellate Court, she ventured to file the present Execution Second Appeal (ESA).

Learned counsel for the appellant on instructions from Raj Pal Sachdeva and Ashwani Kumar Sachdeva sons of Amrit Rani (present in Court and identified by learned counsel for the appellant) has stated that parties to the present appeal have amicably resolved their differences by means of compromise. Amrit Rani has relinquished her possession over the suit property in favour of decree-holders. Vacant and physical possession of the suit property has been handed over to decree-holders. This fact has been admitted by learned counsel for the respondents on instructions from Parmod Kumar one of the decree holder (present in Court and identified by learned counsel for the respondents).

In support of aforesaid understanding, a compromise dated

24.08.2015 has been brought on record as a token of confirmation.

The same is taken on record and has been marked 'A' under the signatures of Bench Secretary of this Court.

In view of aforesaid statement of fact, learned counsel for the appellant intends to withdraw this Execution Second Appeal. Since the execution stands satisfied, therefore this appeal has also become infructuous.

Dismissed as withdrawn.

August 26, 2015

Atik

**(RAJ MOHAN SINGH)
JUDGE**