

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

**RSA No.4184 of 2001(O&M)
Date of Decision: 22.01.2015**

Rajvinder Singh

.....Appellant

Vs.

Rupinder Kaur and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN.

**Present:- Mr.Deepak Bhardwaj, Advocate for the appellant
with Rajvinder Singh-appellant in person.**

**Mr.J.S.Bhatia, Advocate for the respondents with
Mrs.Rupinder Kaur and
Mr.Parminder Singh-respondents in person.**

MAHAVIR S. CHAUHAN, J. (ORAL)

Civil Suit No.822/87/91 was brought by Rupinder Kaur and Parminder Singh, respondents herein, for possession of half portion of land as described in the headnote of plaint. At the time of filing of suit, Parminder Singh was minor but now he has attained majority and is present in Court with Rupinder Kaur-appellant No.1. The suit was decreed by learned Civil Judge, (Jr.Divn.), Ambala City, vide judgment/decreed dated 28.04.1999 in the following manner:-

“In view of findings recorded under issue No.1 to 8, suit is decreed, impugned decrees dated 24.03.77 Ex.P9 and 10.03.83 Ex.P12 are declared illegal, null and void, the plaintiffs and the plaintiffs are held in joint possession of the agricultural land with the defendant to the extent of one half share in equal shares and further, a preliminary decree for possession by way of partition of house in dispute is passed in favour of plaintiffs in which they are owners of one half

share in equal shares and the defendant is the owner of other one half share. Keeping in view the facts and circumstances of the case, parties are left to bear their own cost. A consolidated decree sheet i.e. decree sheet with regard to agricultural land and preliminary decree with regard house in dispute be drawn and file be consigned to record room.”

Rajvinder Singh, appellant herein, challenged the judgment/decreed dated 28.04.1999 by way of Civil Appeal No.141 of 2.2.2002/7.6.99 which, after contest, has been dismissed by learned Additional District Judge, Ambala, vide judgment and decree dated 07.09.2001 and findings recorded by the learned trial Court have been affirmed. Rajvinder Singh-appellant is now in second appeal.

During the pendency of the appeal, parties have entered into a compromise, a copy of which has been placed on the file as Annexure A-1. Rupinder Kaur and Parminder Singh-respondents are present in person with appellant-Rajvinder Singh and have admitted that the compromise is outcome of their own free wish and consent and is without any pressure or coercion. As per compromise first party i.e. Rajvinder Singh has given 4 acres of land comprised in Khewat/Khatauni No.317/422 out of Khasra No.64//19 (0-4), 54//20/1 (4-0), 20/2 (4-0), 11(8-0), 53//20(8-0), 53//19 (8-0), 53//18 (2-16) Hadbast No.188 situated at Village Mohra, Tehsil and District Ambala, as per Jamabandi for the year 1980-81 to the second party i.e. Rupinder Kaur and Parminder Singh-respondents. It has also been stated in the compromise that Khasra No.54//20 land measuring 2 Kanal-16 Marla has already been acquired by the Government and Rajvinder Singh-appellant

has already received compensation in respect thereof. In lieu of compensation so received by Rajvinder Singh-appellant, land measuring 2 kanals 16 marlas comprised in Khasra No.53//18 (2-16) has been given to Rupinder Kaur and Parminder Singh-respondents. Rajvinder Singh-appellant has undertaken to hand over the vacant possession of the land to the respondents.

In view of the above, judgment/decreed dated 07.09.2001, passed by learned Additional District Judge, Ambala and judgment and decree dated 28.04.1999 passed by learned Civil Judge, (Jr.Divn.), Ambala City, are modified to the extent stated hereinbefore and respondents i.e. Rupinder Kaur and Parminder Singh are declared owner of land measuring 4 acres of land comprised in Khewat/Khatauni No.317/422 out of Khasra No.64//19 (0-4), 54//20/1 (4-0), 20/2 (4-0), 11(8-0), 53//20(8-0), 53//19 (8-0), 53//18 (2-16) Hadbast No.188 situated at Village Mohra, Tehsil and District Ambala, as per Jamabandi for the year 1980-81 and land measuring 2 kanals 16 Marlas comprised in Khasra No.53//18 (2-16).

The appeal is disposed of in the aforesaid terms.

(MAHAVIR S. CHAUHAN)
JUDGE

22.01.2015

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