

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

**CM No. 5676-C of 2015 and
CM No.8201-C of 2015 in/and
RSA No. 4271 of 2001
Date of Decision: 23.07.2015**

Hardial Singh @ Dial Singh & another

...Appellants

versus

Pritam Kaur and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.S. Punia, Senior Advocate,
with Ms. Harveen Kaur, Advocate,
for the applicant-appellants.

Mr. H.S. Dhandi, Advocate,
for respondent No.2.

RITU BAHRI, J.

Defendants-appellants have come up in regular second appeal against the judgment dated 15.06.2001 passed by the Additional District Judge, Ludhiana, Dismissing their appeal against the judgment and decree dated 11.12.1999 passed by the Additional Civil Judge (Senior Division), Samrala, whereby maintenance was granted to the plaintiffs i.e. Pritam Kaur wife of Hardial Singh and Jasbir Kaur daughter of Hardial Singh.

As per death certificate (Annexure A-1), Pritam Kaur-respondent No.1 has died on 26.09.2014 and Jasbir Kaur-respondent No.2 was married on 02.03.2001, therefore, she was not entitled for maintenance thereafter.

The plaintiffs-respondent Nos.1 and 2 had filed a suit for

cancellation/setting aside the decree dated 10.09.1986 and for creating the charge for future maintenance at the rate of Rs.1000/- per month each and for grant of injunction from alienating the property in dispute. Trial Court had decreed the suit vide judgment and decree dated 11.12.1999, set aside the decree dated 10.09.1986 and cancelled Mutation No.2307, which was sanctioned on the basis of said decree regarding the land, detailed in the plaint. Rs.1000/- per month each was granted as maintenance under the provisions of Hindu Adoption and Maintenance Act. The lower appellate Court, vide judgment dated 15.06.2001, dismissed the appeal with slight modification that the amount of maintenance already received by the plaintiffs-respondent Nos. 1 and 2 in a petition under Section 125 Cr.P.C., was to be adjusted.

Applicant-appellants have also filed CM No.8201-C of 2015, stating therein that after the death of Pritam Kaur-respondent No.1, vide compromise deed dated 18.07.2015 (Annexure A-1) they have compromised the matter with the surviving respondent No.2-Jasbir Kaur daughter of appellant No.1.

Jasbir Kaur-respondent No.2 is also present in Court and she has been identified by her counsel Mr.H.S. Dhandi, Advocate. Respondent No.2 has informed that she has compromised the matter with the appellants vide compromise deed (Annexure A-1), in pursuance of which, she has received two drafts for a total sum of Rs.12,00,000/- in Court today itself.

As per compromise (Annexure A-1), Jasbir Kaur-respondent No.2 has agreed that the amount deposited in the Executing Court shall be withdrawn by the appellants-defendants after making payment of Rs.12,00,000/- to her. After receipt of Rs.12,00,000/- Jasbir Kaur-

respondent No.2 will have no right in respect of the amount which is lying deposited with the Executing Court. It has been further agreed that mutation No.2307 in respect of the land situated in village Sarwarpur, Tehsil Samrala and mutation No.2509 regarding village Kadiana Kalan, Tehsil and District Ludhiana, sanctioned in the name of Supinder Singh, adopted son of Hardayal Singh @ Dayal Singh may be upheld in the revenue record. Jasbir Kaur has admitted the execution of registered Will dated 06.06.2000 executed by Hardayal Singh @ Dayal Singh with regard to his property in favour of Supinder Singh son of Balbir Singh son of Sardara Singh of village Sarwarpur, Tehsil Samrala. As per the said Will, after the death of Hardayal Singh @ Dayal Singh, the whole property will be inherited by Supinder singh.

After going through the contents of the compromise, the impugned judgments dated 11.12.1999 and 15.06.2001 passed by both the Courts below are set aside and the present suit of the plaintiff(s) is decreed as per terms of the compromise (Annexure A-1).

Disposed of accordingly.

(RITU BAHRI)
JUDGE

23.07.2015
ajp