

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

**RSA No.3678 of 2007 (O&M)
Date of decision: 15.12.2015**

Taranjit Singh and another

...Defendants/appellants

Versus

Smt. Surjit Kaur

...Plaintiff/Respondent.

AND

Civil Revision No. 2102 of 2010

Taranjit Singh and another

...Petitioners

versus

Smt. Surjit Kaur

...Respondent.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Pankaj Jain, Advocate
for the applicant/appellants.

Mr. Ajay Singh, Advocate
for respondent -Surjit Kaur

Mr. Kulwinder Singh S/o Surjit Kaur
present in person.

JASPAL SINGH J. (ORAL)

Brief facts giving rise to the instant *lis* are that respondent/plaintiff filed a suit against the appellants that her maternal uncle Dial Singh owner of the property in dispute suffered a declaratory decree in favour of appellants on August 05, 1995. The said Dial Singh was taken away by nature on July 29, 1997. The declaratory decreed dated August 05, 1995 was challenged by Surjit

Kaur-respondent/plaintiff on the ground that Dial Singh was not in sound and disposing mind and that he neither he appeared before any court nor he file any written statement or made any statement. It has been further averred that the said decree is a result of fraud. The decree dated August 05, 1995 was set aside or declared null and void solely on the ground that it was not got registered under Section 17 of the Registration Act, vide judgment and decree dated January 19, 2007 passed in Civil Suit No. 304 of 1997.

2. An appeal preferred by the present appellants-Taranjit Singh and Gurtej Singh was also dismissed vide judgment and decree dated 11th September, 2007 which necessitated the filing of the instant Regular Second Appeal.

3. During the pendency of the appeal before this Court, CM No. 12045-C-2015 was filed by the appellants for the disposal of the appeal on the basis of the compromise amicably arrived at in between the parties. A compromise has been filed in the shape of an affidavit dated September 15, 2015 which was duly executed and attested by an Executive Magistrate, Ghanaur, District Patiala. It would be appropriate to reproduce the said affidavit which reads as under:-

“I, Surjit Kaur wife of Bant Singh resident of Village Bhat Majra, Tehsil Rajpura, District Patiala do hereby solemnly affirm and declare as under:

- 1. That I am the permanent resident of afore mentioned address.*
- 2. That I filed case against Taranjit Singh and Gurtej Singh sons of Jatinder Singh residents of Village Shahpur, District Ambala regarding land situated at Moja Shahpur District Ambala which is pending before Punjab and Haryana High Court.*

3. That the case number is RSA No.2678 of 2007.

4. That now I have entered into a compromise with aforesaid Taranjit Singh and Gurtej Singh. I have received the amount of my share. Now, neither I nor any of my legal heirs have any claim against aforesaid Taranjit Singh and Gurtej Singh.

5. That in case, the decree of land in favour of Taranjeet Singh and Gurtej Singh sons of Jatinder Singh is held to be valid, I shall have no objection and neither me nor any of my legal heirs shall have any claim or case regarding the aforesaid subject matter. I am tending affidavit to this respect.”

4. Mr. Ajay Singh, Advocate representing Ms. Surjit Kaur as well as Mr. Kulwinder Singh son of Surjit Kaur respondent have categorically admitted the execution as well as contents of the aforesaid affidavit. They further submitted that they have no objection, in case the instant appeal is disposed of in view of the afore-said affidavit.

5. Similarly, Mr. Pankaj Jain, Advocate representing the appellants has also given concurrence. Taranjit Singh one of the appellants, present in the Court as well as Mr. Pankaj Jain, Advocate representing the appellants have also admitted the aforesaid proceedings as well as the compromise.

6. In view of the aforesaid facts and circumstances, especially the affidavit dated September 15, 2015, instant appeal is accepted. Consequently, the judgments and decrees dated August 05, 1995 passed in Civil Suit No. 625 of 22.07.1995 and dated January 19, 2007 passed in Civil Suit No. 304 of 1997 by lower court; affirmed by lower Appellate Court vide judgment and decree dated September 11, 2007 are set aside. The judgment and decree dated August 05, 1995 passed in Civil Suit No. 625 of 22.07.1995 stood restored. A

decree sheet be prepared likewise.

CR No. 2102 of 2010

In view of the acceptance of the appeal *Civil Revision No.2102 of 2010* has been rendered infructuous. As such, the same is dismissed as having been rendered infructuous.

December 15, 2015
sham

(JASPAL SINGH)
JUDGE