

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 4000 of 2007 (O&M)

Date of decision : 15.09.2015

Matadin and another

....Appellants

Versus

Atam Parkash

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Munish Gupta, Advocate
for the applicant-respondent.

Mr. M.S. Sindhu, Advocate
for the appellant.

LISA GILL, J.

C.M. No. 11407-C and
C.M. No. 8319-C of 2015 and
RSA No. 4000 of 2007 (O&M)

Prayer in this application is for pre-poning the date of hearing in CM No. 8319-C of 2015, which is listed for 19.11.2015. Civil Misc. No. 8319-C of 2015 has been moved for disposing of the appeal in view of the settlement/compromise deed dated 24.06.2015 entered into between the parties. Learned counsel for the non-applicant/appellant has no objection to the same.

Application is, accordingly, allowed.

With the consent of the parties, RSA No. 4000 of 2007 is taken up for hearing today.

Learned trial Court decreed the suit of respondent/plaintiff – Atam Parkash. Judgment and decree dated 05.01.2002 was upheld by the learned Additional District Judge, Narnaul vide judgment dated

22.09.2007. Defendant – appellants are in appeal. Regular Second Appeal stands admitted. It is submitted that there was criminal as well as civil litigation pending between the parties. The same has, however, been amicably settled vide compromise deed dated 24.06.2015.

Compromise deed dated 24.06.2015 attached alongwith as Annexure A1 has been entered into by the parties to settle all the pending matters between the parties, criminal and civil and give a quietus to the entire matter. Site plan is attached alongwith the settlement deed and forms a part thereof.

Affidavit of appellant – Matadin is attached alongwith. Appellant No. 2 – Satpal son of Matadin i.e. appellant No. 1 duly identified by his counsel is present in Court.

Respondent – Atam Parkash is stated to be keeping poor health on account of old age, therefore, his son Parveen Kumar holding his power of attorney dated 03.09.2013 is present in court. He is duly identified by his Counsel. Original power of attorney has been produced in Court, duly notarised. Photocopy thereof is taken on record subject to just exceptions. Photocopy of Adhar card of Parveen Kumar is also taken on record. Factum of the settlement between the parties is affirmed and verified by him. It is submitted that none of the parties have any objection to disposal of this appeal in terms of the said settlement.

Mr. Parveen Kumar son of Atam Parkash, power of attorney holder of respondent – Atam Parkash specifically states in

Court that the settlement has been arrived at without any coercion, fear, favour or undue influence. It has been arrived at out of free will and volition of the parties. Plaintiff/respondent does not wish to execute the said decree in his favour in view of compromise deed dated 24.06.2015.

Accordingly, appeal is disposed of in terms of the compromise deed dated 24.06.2015 which would form part of the decree alongwith the site plan.

September 15, 2015
rts

(Lisa Gill)
Judge