

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

Regular Second Appeal No. 973 of 2006 (O&M)

Date of Decision: 20.01.2015

Chander Mohan Singh

..... Appellant

Vs.

Vikas Rekhan, Proprietor Vikas Financer

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. B.K.Bagri, Advocate for the appellant.

Mr. C.B.Goel, Advocate for the respondent.

JASWANT SINGH, J. (ORAL)

Defendant-Chander Mohan Singh is in Second Appeal aggrieved against the judgment and decree dated 10.04.2003, passed by the learned Civil Judge (Jr. Divn.), Jagadhri, whereby the suit of the respondent/plaintiff Vikas Rekhan was partly decreed; and further challenge is to the judgment and decree dated 01.03.2006, passed by learned Additional District Judge, Yamuna Nagar at Jagadhri, whereby the appeal of the defendant/appellant was dismissed whereas the cross appeal filed by the plaintiff was allowed and thereby the suit of the respondent/plaintiff for specific performance of sale was decreed *in toto*.

Before this Court, at the time of initial motion hearing, learned Counsel for the defendant/appellant had confined his prayer for dismissal of the suit for specific performance while agreeing to pay the earnest money received along with interest.

The appeal, however, was admitted on the stated substantial questions of law as per order dated 04.10.2007.

Subsequently, both the parties have moved a joint application bearing **Civil Misc. No.4520-C of 2014** praying for dismissal of the present appeal in terms of the written compromise dated 31.03.2014, which has been annexed as **Annexure C-1**. Along with the application, affidavits of both the plaintiff and the appellant/defendant have also been annexed. It is agreed that the parties shall be bound by their stand as mentioned in the written compromise (C-1).

At the time of hearing, learned Counsel for the parties are agreed that in terms of the written compromise dated 31.03.2014, the plaintiff-Vikas Rekhan has already withdrawn the amount of ₹ 5,50,000/- deposited with the Registry of this Court towards the final and total claim of return of earnest money along with interest and thus the respondent/plaintiff has no objection if the present appeal is partly allowed and both the impugned judgments and decrees are so modified and also held as satisfied.

In view of the above, the present appeal is disposed of in the above terms.

January 20, 2015
Gagan

(JASWANT SINGH)
JUDGE