

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

**RSA No.686 of 2010 (O&M)
Date of decision: 07.09.2015**

Jaswant Kaur and others

... Appellants

Vs.

Harbans Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Anupam Singla, Advocate
for the appellants.

Mr. Samir Rathaur, Advocate
for respondents No.1 to 20 and 26 to 30.

Mr. Rishav Jain, Advocate, for
Mr. Arun Jindal, Advocate
for respondents No.21 to 25.

AMIT RAWAL J. (Oral)

Challenge in the present appeal is to the impugned judgments and decrees of the Courts below, whereby, the suit for declaration claiming ownership and cultivating possession in equal share of the land, described in the plaint, has been dismissed.

During the pendency of the aforementioned regular second appeal, the matter was referred to the Lok Adalat. Vide order dated 18.03.2014, Lok Adalat, after noticing that the appellants and respondents No.1 to 20 and respondents No.26 to 30 have

compromised the matter, passed the following order:-

"In this appeal there is a dispute regarding total land measuring 11 kanals 3 marlas comprising khatauni No.17/3/(7-7), 4/1(1-2), 8/1(2-14) situated in village Charason Tehsil and District Patiala. The appellants have filed two applications in the RSA stating therein that qua the share of respondents No.1 to 20 to the extent of 6 kanals 17 marlas the appellants and respondents No.1 to 20 have entered into a compromise dated 23.1.2010. The original compromise in writing has been placed on record signed by the appellants as well as respondents No.1 to 20 (Annexure A-1) to Civil Miscellaneous Application No.1939-C-2010. Similarly, in application bearing C.M.No.8684-C-2010, it has been stated by the appellants that they have entered into a compromise dated 20.7.2011 with respondents No.26 to 30 qua their share measuring 3 kanals 14 marlas out of 11 kanals 3 marlas. The original compromise signed by the appellants and respondents No.26 to 30 has also been appended as Annexure A-2. Out of 11 kanals and 3 marlas, 12 marlas is the share of respondent No.31-Sewa Singh. Respondents No.21 to 25 have no share in the land in dispute. Learned counsel for the appellants has made a separate statement that qua respondent No.31 the

present appeal may be dismissed. He has further stated that let a decree on the basis of compromise Annexure A1 dated 23.1.2010 and Annexure A2 dated 20.7.2011 be passed in favour of the appellants and against respondents No.1 to 20 and respondents No.26 to 30 and the the present appeal may be disposed of as in the above terms.

Learned counsel for respondents No.1 to 20 and respondents No.26 to 30 Mr. Sameer Rathore, Advocate has also stated that he has no objection if the decree is passed in terms of the compromise dated 23.1.2010 (Annexure A1) and dated 20.7.2011 (Annexure A2) and the appeal is disposed of accordingly.

In view of the fact that the Lok Adalat cannot pass a decree in the proceedings before the Lok Adalat the case is sent back to the Hon'ble High Court for passing necessary orders as observed above.”

Mr. Anupam Singla, learned counsel appearing on behalf of the appellants submits that he has no cause against the respondents No.21 to 25 and therefore, appeal qua them may be dismissed.

Ordered accordingly.

Since the parties, i.e., appellants and respondents No.1 to 20 and 26 to 30, have already compromised the matter, as noticed

by the Lok Adalat in the order dated 18.03.2014, the appeal is disposed of, in terms of compromise dated 23.01.2010 (Annexure A1) and dated 20.07.2011 (Annexure A-2).

The parties shall be bound by the terms and conditions of the compromise and the compromise be read as part of this order.

In view of the aforementioned, the regular second appeal stands disposed of.

Decree sheet be prepared in terms of compromise.

(AMIT RAWAL)
JUDGE

September 07, 2015
savita