

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

**RSA No.61 of 2011(O&M)**

**Date of Decision:-19.02.2015**

**Jyoti & Ors.**

**.....Appellants.**

Versus

**Shambu Dutt Trikha.**

**.....Respondent.**

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Vikas Bahl, Senior Advocate assisted by  
Ms. Balpreet Sidhu, Advocate for the appellants.

Mr. R.S. Bajaj, Advocate for the respondent.

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**JASWANT SINGH, J.(ORAL)**

The dispute was between the respondent/plaintiff father-in-law and his widowed daughter-in-law and grandsons. He filed a suit for mandatory injunction directing the defendants to vacate the premises of a double storeyed residential house owned by him. The learned trial Court vide impugned judgment and decree dated 18.12.2007 had dismissed the suit while lower Appellate Court vide judgment and decree dated 13.09.2010 decreed the suit of the plaintiff while setting aside the decree passed by the trial Court.

During the pendency of the present appeal the parties were referred to the Mediation Centre at District Court, Gurdaspur. As per the report of the Civil Judge(Sr. Divn)-cum-Nodal Officer, Mediation Centre, Gurdaspur the parties have arrived at a written settlement/agreement dated

9.12.2014 which is on record at Flag-A.

At the time of hearing learned Counsel for the appellants on instructions from appellants prays for permission to withdraw the present appeal in the light of sale deed dated 14.01.2015 regarding the suit property having been executed in favour of the appellant no.1 in terms of the aforesaid settlement. He thus submits that the present appeal having become infructuous be permitted to be dismissed as withdrawn.

Learned Counsel for the respondent/plaintiff fully endorses the contention of the appellant.

In view of the aforesaid agreed stand, the present second appeal is dismissed as withdrawn.

**( JASWANT SINGH )**  
**JUDGE**

**February 19, 2015**  
Vinay