

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

**RSA No.717 of 2011 (O&M)
Date of decision-21.09.2015**

Manjit Singh & another

...Appellants

Vs.

Kamaljeet Singh

...Petitioner

CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. K.S. Dadwal, Advocate
for the appellants.

Mr. S.S.Dinarpur, Advocate
for the respondent.

RAJ MOHAN SINGH, J (Oral)

C.M No.10971-C-2014

For the reasons mentioned in the application, legal representatives of deceased-appellant No.1, Manjit Singh, are ordered to be brought on record subject to just exceptions. Application is disposed of.

Amended memo is taken on record.

C.M No.9823-C-2015

Prayer in this application is for deciding the appeal on the basis of compromise. The compromise is taken on record.

RSA No. 717 of 2011

Defendants filed present appeal against judgment and decree dated 04.12.2010 vide which appeal was partly allowed against the judgment and decree dated 23.12.2009 passed by Civil Judge (Senior Division) Sirsa, holding the plaintiff to be owner of the plot in dispute but dismiss the suit qua relief of permanent injunction. The defendants feeling aggrieved against the aforesaid judgment and decree dated 04.12.2010 have preferred the present appeal.

During the pendency of this appeal both the parties have amicably settled their dispute by way of entering in a family settlement in respect of suit land. According to terms and conditions of the settlement, total area of the plot is 120 square yard. Out of 120 square yard, area to the tune of 80 square yard has come to Kamaljeet Singh and the remaining 40 square yard area has come to Jaswinder Singh, appellant No.2 s/o Manjit Singh. These portions have been defined in terms of their dimensions. Both the parties are at *ad idem* that possession of respective areas has been exchanged between the parties and there is no dispute left in respect of ownership and possession as well.

Learned counsel for the respondent states that a Civil Revision No.4056 of 2013 has already been disposed of in view of this compromise. Now nothing survives in this appeal and the appeal be disposed of in terms of compromise. Learned counsel for the appellants has placed on record original copy of compromise deed in order to supplement the contents of photostat copy which has been attached along with application. Statements of both the parties have also been recorded separately regarding compromise. Original compromise deed is taken on record as mark 'A' under the signature of Bench Secretary.

I have considered the compromise. In view of compromise and statements made by parties I am of the considered view that both the parties have settled their dispute amicably and this settlement would serve ever last tool in their favour to maintain cordial relations between them. In view of aforesaid compromise, Jaswinder Singh will get 40 square yard of disputed plot with defined demarcation as shown in the compromise and the remaining 80 square yard will go to Kamaljeet Singh as also defined dimensions as shown in the compromise. Let this compromise be made part of the decree. Dispose of.

September 21, 2015

vanita

(RAJ MOHAN SINGH)
JUDGE