

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

Regular Second Appeal No.79 of 2011 (O&M)

Date of decision: 28.4.2015

Balbir Kaur

... Appellant

Versus

Kulwinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Vikas Kumar, Advocate,
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

CM No.270-C-2011

For the reasons stated in the application, the delay in re-filing
the appeal is condoned.

RSA No.79 of 2011 (O&M)

There can be no gainsaying that a second appeal does not lie
against the compromise decree. If fraud has been committed by the plaintiff,
as alleged, then the remedy is not one in Section 100 CPC.

It is well settled that allegation of fraud played in entering into
a compromise before the Court can only be settled before the Judge himself
where fraud is stated to have been practiced or by a separate suit.

The appeal is dismissed being not maintainable.

**(RAJIV NARAIN RAINA)
JUDGE**

April 28, 2015

Paritosh Kumar