

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

RSA No. 1216 of 2013 (O&M)

Date of decision : 20.3.2015

Smt. Krishna Saini and others .. Appellants
versus
Hitender Kumar and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. R. A. Sheoran and Mr. Vikrant Rana, Advocates,
for the appellants.

Mr. N. D. Achint, Advocate and Ms. Indu Bala, Advocates,
for respondent no. 1.

Rajesh Bindal, J.

The appellants being LR's of defendant no. 1 and defendant no. 2 are before this Court against concurrent findings of fact recorded by the learned Courts below, whereby the suit filed by the plaintiff- respondent no. 1 for possession was partly decreed to the effect that he was declared co-owner of the land in dispute and as such he was held entitled to the vacant possession of the land which was encroached upon by defendant nos. 1 to 3, who were directed to hand over the vacant possession of the disputed land to the plaintiff within two months from the date of the judgment. The appeal against the judgment of the trial court was dismissed by the learned Lower Appellate Court.

Learned counsel for the appellants submitted that respondent no. 1 is the only contesting respondent. He further submitted that the dispute between the parties has been settled vide compromise-deed dated 2.8.2014 (Annexure C-1). Rahul Saini-appellant no. 4, appeared as Special Power of Attorney holder of appellant nos. 1 to 3, 5 and 6. He has also suffered statement on their behalf with regard to the compromise arrived at with respondent no. 1. Subhash Chand appellant no. 7, who is also present in person, also admitted the factum of compromise with respondent no. 1. Learned counsel for the appellants further submitted that the appellants are

not claiming any relief against respondent nos. 2 to 9.

Learned counsels appearing for respondent no. 1 submitted that the dispute between the parties has been compromised. He has also filed affidavit of respondent no. 1- Hitender Kumar to this effect. He has also got his statement recorded admitting the factum of compromise with the appellants.

Heard learned counsel for the parties and perused the paper book.

It has been stated by learned counsel for the parties that the dispute between the appellants and respondent no. 1 has been compromised vide compromise-deed dated 2.8.2014 (Annexure C-1). Rahul Saini-appellant no. 4, who appeared as Special Power of Attorney holder of appellant nos. 1 to 3, 5 and 6, has suffered statement for himself and on their behalf with regard to the compromise arrived at with respondent no. 1. Subhash Chand appellant no. 7 also admitted the factum of compromise with respondent no. 1. It was further submitted that the appellants are not claiming any relief against respondent nos. 2 to 9. Special power of attorney taken on record as mark 'A' to mark 'E'. Joint statement of appellant no. 4 for himself and on behalf of appellant nos. 1 to 3, 5 and 6 and appellant no. 7, is extracted below:-

“We have compromised the dispute with respondent No. 1. Copy of the compromise has been produced on record, which may be read as part of our statement. In view of the compromise, the present appeal may be disposed of.”

Learned counsel for the respondent no. 1 submitted that the dispute between the appellants and respondent no. 1 has been compromised. Respondent no. 1 is present in person in Court. He has made statement admitting the factum of compromise (Annexure C-1) with the appellants and has also filed his affidavit along with the compromise. Statement made by respondent no. 1, is extracted below:-

“My name is Hitender Kumar @ Hitender Sharma. I have driving licence in the name of Hitender Kumar and Aadhar Card in the name of Hitender Sharma.

I have compromised the dispute with the appellants.
Copy of the compromise has been produced on record,
which may be read as part of my statement. In view of the
compromise, the present appeal may be disposed of”

The parties have been identified by their respective counsels. It
has been stated that the appeal be disposed of in terms of compromise
arrived at between the appellants and respondent no. 1, who is the only
contesting respondent.

In view of the above, the appeal is disposed of in terms of the
compromise arrived at between the parties. The compromise, Annexure C-1,
shall form part of the decree.

20.3.2015
vs

(Rajesh Bindal)
Judge