

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

Regular Second Appeal No. 1482 of 2014(O&M)

Date of Decision: September 11 , 2015.

Bhagan Bai and others

..... APPELLANT (s)

Versus

Balbir Singh

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amit Jain, Advocate
for the applicants/appellants.

Mr. Ajay Pal Singh, Advocate
for the respondent.

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

LISA GILL, J.

CM No.11157-C of 2015 and RSA No.1482 of 2014(O&M)

Learned counsel for the applicants/appellants prays for disposal of the appeal in terms of the oral settlement arrived at between the parties.

It is submitted that the matter has been settled between the parties.

Suit for specific performance had been filed by respondent-plaintiff, Balbir Singh in respect to agreement to sell dated 25.03.2005 qua land measuring 50 Kanals 11 Marlas situated at village Ganda Tehsil Ratia, District Faridabad owned by the predecessor-in-interest of present appellants. Said suit was

decreed by the learned trial court vide judgment and decree dated 22.01.2011.

Learned Additional District Judge, Fatehabad vide judgment dated 28.09.2013 has affirmed the judgment and decree dated 22.01.2011 passed by learned Additional Civil Judge (Senior Division), Ratia whereby suit for specific performance filed by the respondent-plaintiff was decreed. Present regular second appeal has been preferred by the appellant-defendant. Notice of motion was issued by this Court on 31.07.2015 for 15.01.2016 with a direction that status quo be maintained with respect to the suit property till further orders.

As per the settlement arrived at between the parties, appellants have refunded the earnest money of ₹10,00,000/- to the respondent, which has been accepted by him. He has received the said amount in cash. Hence, lis no longer remains between the parties. Settlement arrived at is oral and has not been reduced into writing.

Respondent – Balbir Singh, who is present in Court duly identified by his counsel, affirms the factum of oral settlement between the parties and states that he is no longer interested in execution of the decree dated 22.01.2011 which was for specific performance of the agreement to sell dated 25.03.2005. He admits to have received the amount of ₹10 lacs in cash.

It is in this situation that present application has been filed for disposal of the appeal in terms of settlement arrived at between the parties, which is reflected in affidavits of the appellants, Annexure C1, C3 to C7 as well as the affidavit of respondent-Balbir Singh, Annexure C2 . Respondent-Balbir Singh admits the said affidavit, Annexure C2 to be executed by him.

With the consent of the learned counsel for the parties, hearing in

the present appeal is preponed from 15.01.2016 and it is taken up for hearing today.

Present appeal is accordingly disposed of in view of the settlement arrived at between the parties. Affidavit of Balbir Singh (Annexure C2) to form part of the decree to be drawn up.

September 11 , 2015.
'om'

(LISA GILL)
JUDGE