

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

RSA No.1891 of 2014 (O&M)

Date of Decision: 25.05.2015

Subhash and another

.....Appellants

Versus

Shiv Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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| 1. Whether Reporters of local papers may be allowed to see the judgment? | Yes |
| 2. To be referred to the Reporters or not? | |
| 3. Whether the judgment should be reported in the Digest? | Yes |

Present:- Mr. G.S.Sandhu, Advocate,
for appellants.

Mr. Tapish Gupta, Advocate,
for respondent.

SHEKHER DHAWAN, J

Present regular second appeal is against judgment and decree dated 12.04.2013 passed by Court of first appeal whereby appeal against judgment and decree dated 22.01.2013 was dismissed.

2. Detailed facts of the case are that plaintiff Shiv Kumar has filed suit for specific performance of agreement and possession of the suit property on the basis of sale deed. Defendant-appellant contested the suit and the Court of first instance decreed the suit for possession by way of specific performance of agreement of sale deed dated 08.01.2008. Defendant preferred first appeal but remained unsuccessful and hence the present second appeal before this Court.

The parties have mutually settled their claim and payment of

₹25,00,000/- has been made by appellant and as per terms of the compromise, judgment and decree dated 22.01.2013 passed by Additional Civil Judge (Sr. Division), Karnal, judgment and decree dated 12.04.2013 passed by Additional District Judge, Karnal are to be set aside.

4. In view of the compromise entered into between the parties, the above mentioned judgments and decree are set aside and the present appeal accepted. However, compromise dated 06.02.2015 Annexure A-1 shall form part of the order and parties shall be bound by the compromise.

5. Present appeal accepted in terms of the above.

**(SHEKHER DHAWAN)
JUDGE**

May 25, 2015
msd