

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

RSA No. 4477 of 2014 (O&M)

Date of decision : 12.3.2015

Smt. Shiksha Wati and others .. Appellants
versus
Smt. Sakalwati and others .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Arvind Singh, Advocate, for the appellants.
Mr. A. K. Chauhan, Advocate, for respondent nos. 1 and 2.
Mr. Anuj Balian, Advocate, for respondent no. 10.

Rajesh Bindal, J.

The plaintiffs are before this Court against concurrent findings of fact recorded by the learned Courts below, whereby the suit filed by them for declaration to the effect that they are owner in possession in equal share of 1/5th share in land left by deceased Jagdish Singh son of Rulia Ram, resident of village Thambar, Tehsil Barara, District Ambala, was dismissed.

Learned counsel for the appellants submitted that the dispute between the parties has been settled vide compromise-deed dated 7.10.2014 (Annexure R-1). He has also filed affidavit of appellant no. 3 Ankur, who is present in person in Court. He appeared as Special Power of Attorney holder on behalf of appellant nos. 1 and 2 also. He has also suffered statement on behalf of all the appellants with regard to the compromise arrived at between the parties. He further submitted that the appellants are not claiming any relief against respondent nos. 3 to 9.

Learned counsels appearing for respondent nos. 1 & 2, and respondent no. 10, submitted that the dispute between the parties has been compromised. They have also filed affidavits of the aforesaid respondents to this effect. Respondent nos. 1, 2 and 10 are present in person in Court. They have also got their statements 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 parties has been settled vide compromise-deed dated 7.10.2014 (Annexure R-1). Appellant no. 3, who appeared as Special Power of Attorney holder on behalf of appellant nos. 1 and 2 also stated that the dispute between the parties has been compromised. Special Power of Attorneys dated 10.11.2014 of appellant nos. 1 and 2 produced in Court are taken on record as Mark-'A' and 'B', respectively. Affidavit filed by appellant no. 3 -Ankur has been marked as Mark-C. The appellants do not want any relief against respondents No. 3 to 9. Appellant no. 3 has also got recorded his statement with regard to the compromise arrived at between the parties. Statement of Ankur- appellant no. 3, is extracted below:-

“It is stated that I am special power of attorney holder of appellant No. 1, who is my mother and appellant No. 2, who is my real sister. I have brought the original power of attorneys both dated 10.11.2014 executed in my favour. We have entered into compromise with respondents No. 1, 2 & 10. A copy of the compromise deed dated 07.10.2014 has been placed on record as Annexure R-1 with CM No. 12995-C of 2014. The appellants do not want any relief against respondents No. 3 to 9. I am also filing my affidavit admitting the factum of compromise of dispute between the parties. The compromise may be read as part of my statement and the appeal be disposed of in terms of compromise arrived at between the parties.”

Learned counsels for the respondent nos. 1 & 2, and respondent no. 10 submitted that the dispute between the parties has been compromised. Respondent nos. 1, 2 and 10 are present in person in Court. They have made statements admitting the factum of compromise (Annexure R-1) with the appellants and have also filed their affidavits, which have been taken on record as Mark-'D', 'E' and 'F', respectively. Joint statement of Sakalwati – respondent no. 1 and Sudhir Kumar- respondent no. 2, is

extracted below:-

“It is stated that the parties have compromised the matter. A copy of the compromise deed dated 07.10.2014 has been placed on record as Annexure R-1 along with CM No. 12995-C of 2014. We are also filing our affidavits in support of the compromise. The compromise may be read as part of our statement and the appeal be disposed of in terms of compromise arrived at between the parties.”

Statement of respondent no. 10- Smt. Sabo Devi, is extracted below:-

“It is stated that the parties have compromised the matter. A copy of the compromise deed dated 07.10.2014 has been placed on record as Annexure R-1 along with CM No. 12995-C of 2014. I am also filing my affidavit in support of the compromise. The compromise may be read as part of my statement and the appeal be disposed of in terms of compromise arrived at between the parties.”

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 parties. The appellants do not want any relief against respondents No. 3 to 9.

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

12.3.2015
vs

(Rajesh Bindal)
Judge