

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2048 of 2016
Date of decision:18.03.2016

Bhupender Singh

... Petitioner

Vs.

Jagir Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Shiv Kumar, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-defendant is aggrieved of the impugned order dated 25.02.2016, declining the application for deciding the appeal on merits after setting aside the order dated 12.05.2014, vide which the appeal has been withdrawn, in view of the compromise arrived at between the parties, who, are none else but father and son.

Mr. Shiv Kumar, learned counsel appearing on behalf of the petitioner-defendant submits that in view of the settlement arrived at between the parties, suit for possession vide judgment and decree dated 05.01.2013, was decreed. Against the same, an appeal was filed. During the appeal, the matter was compromised and the appeal was disposed of. Thereafter, an application was filed to decide the

appeal on merits. In pursuance to the settlement arrived at between the parties, father has failed to perform his act, thus, prays for setting aside of the order.

I have heard learned counsel for the petitioner-defendant and appraised the paper book.

On going through the contents of the statement of compromise, there is no condition imposed vis-a-vis giving share to the son, thus, there is no performance of voluntary act on behalf of the father which necessitated the petitioner to move an application for deciding the appeal on merits, therefore, rightly so, the application has been dismissed.

In view of the aforementioned observations, there is no illegality and perversity in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

March 18, 2016
savita