

**CM No. 22703-CII of 2016 in/and  
CR No.4075 of 2016**

**-1-**

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

**252**

**CM No. 22703-CII of 2016 in/and  
CR No.4075 of 2016**

**Date of Decision: December 15, 2016**

**AJIT SINGH**

**-PETITIONER**

**VS**

**PREM SINGH AND OTHERS**

**-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

**Present:** Mr. Mohit Setia, Advocate for  
Mr. Anurag Chopra, Advocate  
for the petitioner.

Mr. Amit Kumar, Advocate  
for respondents No.2,3,5 and 6.

Ms. Kashika Kaur, Advocate  
for the applicants.

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**RAJ MOHAN SINGH, J. (ORAL)**

**CM No. 22703-CII of 2016**

This is an application under Order 1 Rule 10 CPC read with Article 227 of the Constitution of India for impleading applicants as shown in para No.6 of the application to be party-respondents No.7 to 9 in this revision petition.

Notice of this application was issued to the non-applicants/respondents.

Learned counsel for the petitioner as well as learned counsel for respondents No.2,3,5 and 6 have no objection in case applicants are ordered to be impleaded as party-respondents No.7 to 9 in this revision petition.

In view of aforesaid, the application is allowed and the applicants as shown in para No.6 of the application are ordered to be impleaded as party-respondents No.7 to 9 in this revision petition.

Necessary correction be made in the memorandum of parties.

**Main case**

Petitioner has assailed order dated 04.04.2016 passed by Civil Judge (Junior Division), Ludhiana whereby compromise arrived at between the parties was not considered and was accordingly rejected being illegal and arbitrary.

Learned counsel for the petitioner contended that initially plaint was rejected at the instance of defendants No.2 and 6 on 23.05.2012 by the trial Court. At that time, Gram Panchayat-defendant No.4 was duly represented by an Advocate but defendant No.4 did not contest the litigation.

Order dated 23.05.2012 passed by the trial Court was reversed in appeal by the court of Additional District Judge,

Ludhiana vide order dated 21.03.2013 and the suit was held to be maintainable. At one point of time, defendant No.4-Gram Panchayat was represented by Mr. Kulwinder Singh, Advocate but today none has come present on behalf of respondent No.4-Gram Panchayat.

During pendency of the suit, a compromise was effected between the parties on 29.11.2012. The subject matter of mutation No.4463 was amicably resolved between the parties. The Gram Panchayat had no concern with the said mutation. The compromise was rejected by the trial Court by referring to another mutation No.3443 which was in respect of inheritance of deceased Gurnam Kaur who had already sold her ½ share to the Gram Panchayat.

Learned counsel vehemently submitted that the rejection of compromise was not on account of any consideration in respect of mutation No.4463 rather the same was on erroneous basis and mutation No.3443 was illegally considered beyond the scope of litigation.

Learned counsel further submitted that the compromise should not have been ignored by taking into consideration mutation No.3443 which had no connectivity with the subject matter on the dispute between the parties.

The trial Court declined to accept the compromise only on the premise that the compromise was not in public

interest as the land belonging to the Gram Panchayat cannot be done away without proper sanction by the competent authority under the rules.

Mutation No.3443 in respect of inheritance of Gurnam Kaur was never in dispute before the trial Court rather mutation No.4463 was under active consideration of the Court for which a lawful compromise was struck between the parties. The aforesaid facts have not been denied by learned counsel for the respondents.

In view of aforesaid, I find that this matter needs re-consideration at the hands of the trial Court. Trial Court shall consider the litigation and compromise in the light of mutation No.4463 afresh without being influenced by any observations made hereinabove. The impugned order is set aside; case is remanded back to the trial Court for fresh order.

Disposed of.

15.12.2016  
*jyoti Y.*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No