

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

CR No. 392 of 2014(O&M)

Date of decision :23.07.2016

Asha Rani

.....Petitioner

Versus

Nirmal Singh Grewal and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Jhum Jhum Sarhar, Advocate
for Mr. Vaibhav Jain, Advocate
for the petitioner.

Mr. Ashish Aggarwal, Sr. Advocate
with Mr. Kunal Dawar, Advocate
for the respondents.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 21.11.2013 passed by learned Additional Civil Judge (Sr. Division), Ludhiana, vide which the learned trial Court has declined to record the compromise. As per the case of the petitioners, respondent has entered into the written compromise with the petitioner on 07.06.2013 with respect to the subject matter of the suit.

Learned counsel for the petitioner has pleaded that the suit was liable to be disposed of in terms of the said compromise. But, learned counsel for the respondent has disputed any such compromise between the parties. So, it is a

case where one party i.e. petitioner-defendant is alleging the compromise which is being denied by the plaintiffs-respondents. The proviso to Order 23 Rule 3 Code of Civil Procedure, 1908 (for short CPC) provides that where the compromise is alleged by one party and is denied by other, than the Court shall decide the question with respect to the compromise. In the instant case, the learned trial Court has not decided this question in accordance with law.

So, the present revision petition is hereby allowed. The learned trial Court shall pass the order with respect to the alleged compromise dated 07.06.2013 in accordance with the proviso to Order 23 Rule 3 CPC. Both the parties are at liberty to put-forward their respective pleas before the learned trial Court. It is expected that the learned trial Court will expedite the determination of this question preferably within two months.

23.07.2016

S.khan

**(DARSHAN SINGH)
JUDGE**