

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

**CR No.7976 of 2014 (O&M)
Date of decision : 04.02.2016**

Surjit Singh

.....Appellant

Versus

Jagdish Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Rakesh Gupta, Advocate for petitioner.

Mr. Nitin Kaushal, Advocate for respondents No.1 & 2.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioner contended that during the pendency of the suit, the compromise has taken place between the parties. The application for amendment was moved only to incorporate that factum of compromise.

Learned counsel for the respondents has pleaded that by incorporating that pleading the nature of the suit will be changed. The petitioner-plaintiff could have moved the application with respect to the factum of compromise before the trial court under Order 23 Rule 3 CPC.

In view of the above, the present revision petition is hereby disposed of with liberty to the petitioner to move an application under Order 23 Rule 3 CPC before the learned trial court with respect to the factum of compromise.

If any such application is moved within one month from today, the learned trial court will first decide the said application keeping in view the provisions of Order 23 Rule 3 CPC before proceeding further with the trial of the case.

04.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**