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

**CM No.9920-C of 2016 in/and
RSA No.3045 of 1996
Date of Decision: 26.10.2016**

SHANTI AND ANR.

.....Appellants

Vs

SUNITA AND ORS.

.....Respondents

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

Present: Mr. Prem Nath Aggarwal, Advocate
for the appellants.

Mr. K.G. Choudhary, Advocate
for the respondents.

RAJ MOHAN SINGH, J (Oral)

CM No.9920-C of 2016

Prayer made in this application is to decide the present appeal on the basis of compromise dated 22.07.2016 having been entered into between the parties.

With the concurrence of learned counsel for the both the parties, the main appeal is taken up for final disposal on the basis of compromise. Photocopy of the compromise is taken on record as Ex.C-1.

Application stands disposed of.

Main case

[1]. Defendants are in the Regular Second Appeal against the judgment and decree dated 20.11.1996 passed by the Additional District Judge, Kaithal vide which judgment and decree dated 18.03.1996 passed by the Civil Judge (Sr. Divn.) Kaithal was affirmed.

[2]. A civil suit for declaration, permanent and mandatory injunction as consequential relief was filed by the plaintiff Sunita against Shanti and others to the effect that she was the sole successor of deceased Mewa Singh, who was owner of the land measuring 57 *Kanals* 16 *Marlas* as depicted in the plaint. Sale deed dated 28.05.1991 was executed in favour of Dalip Singh etc. for a sale consideration of Rs.6,93,600/-, which was claimed to be on account of ill-health of the vendor.

[3]. The vendor was not capable of carrying the aforesaid huge amount with him, therefore, he took his sister Shanti Devi along with him in order to get a joint saving account No.7488 opened in Central Bank of India. An amount of Rs.4,21,350/- was deposited in the Bank with the *bona fide* intention that after his death i.e. Mewa Singh, his sister Shanti Devi would return the amount to the plaintiff, who could not accompany Mewa Singh at the relevant time due to her pregnancy and ill-health.

[4]. The suit was decreed by the trial Court vide judgment and decree dated 18.03.1996. A declaration was granted to the plaintiff to the effect that plaintiff was legal and natural heir of deceased Mewa Singh and was entitled to inherit his all movable and immovable properties. Other consequential reliefs were also granted to the plaintiff. The judgment and decree of the trial Court was also upheld by the lower Appellate Court, who dismissed the appeal vide judgment and decree dated 20.11.1996. That is how the present appeal came to be filed at the instance of the appellants.

[5]. During the pendency of the appeal, both the parties have amicably resolved their differences by entering into compromise dated 22.07.2016 vide which 49% of the amount shall go to the share of the appellant Santi Devi and remaining 51% of the amount will go to Rajneesh Kumar and Sheetal Rani both son and daughter of Smt. Sunita (deceased). Husband of Sunita namely Subhash Singh will not get any share in the amount in question.

[6]. Learned counsel for both the parties are *ad idem* that both the parties have entered into the aforesaid settlement without there being any pressure, ill-will or undue influence from anyone.

[7]. The parties are present in Court and they have been duly identified by their respective counsel. The factum of compromise has not been denied by either of the parties and their separate statements in the aforesaid context have also been recorded.

[8]. In view of aforesaid development in this case, this appeal is disposed of. Compromise (Ex.C-1) shall form the part of the decree.

October 26, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes / No

Whether reportable Yes / No