

**CM No. 2715-C-2016 in/and
RSA No. 2694 of 2000**

-1-

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

**CM No. 2715-C-2016 in/and
RSA No. 2694 of 2000
Date of Decision: 09.03.2016**

Amar Chand and others

.....Appellants

Vs.

Atma Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amar Singh-appellant No. 1 in person.

Mr. Labh Singh-respondent No. 2 in person.

AMOL RATTAN SINGH, J. (ORAL)

CM No. 2715-C-2016

Though lawyers are not appearing in Court today in deference to the departed soul of Hon'ble Mr. Justice Naresh Kumar Sanghi, the parties are present in a represented capacity, with appellant No. 1 (Amar Singh) and respondent No. 2 (Labh Singh), representing their respective sides, i.e. appellants and respondents. They have also produced proof of their identity in the form of a Pan Card in the case of appellant No. 1 and driving license in the case of respondent No. 2

The appellants seek to withdraw this appeal, in view of the copy of the compromise deed annexed with this application.

The compromise deed is seen to be signed by both the

appellants, who are brothers, but only the second respondent and not the first. It is also seen to be signed by a large number of persons some of whom are members of the Municipal Council etc. These persons are stated to be those who formed a Panchayat to get the matter compromised between the parties.

The original compromise deed has also been produced in Court. Though neither the first page nor the last page of the said compromise deed gives any printed date, with that column being left blank, but it is shown to be attested by the Notary Public, Khamanon, District Fatehgarh Sahib, on 08.02.2016.

On query, respondent No. 2 states that respondent No. 1, who has died, i.e. Atma Singh, son of Uttam Singh was never represented in his personal capacity even before the Courts below. As such, none of his legal representatives have been brought on record. He further submits that as a matter of fact he is the only contesting respondent. Atma Singhs' sons are stated to be no longer residing in India.

RSA No. 2694 of 2000

Consequently, in view of the statement made by appellant No. 1 and respondent No. 2, that the matter has been compromised between the parties, the application for withdrawal of the appeal is, accordingly allowed.

The appeal is dismissed as withdrawn, with the parties held bound to the terms of the compromise.

However, since the compromise deed has not been signed

by respondent No. 1 or his legal representatives, a copy of this order be sent to the last known address of respondent No. 1, so that in case there is any objection to the compromise, without his legal representatives' participation therein, his legal representatives would be at liberty to move an appropriate application, in this regard.

A copy of this order be also sent to appellant No. 1 at the address given in the memo of parties.

**(AMOL RATTAN SINGH)
JUDGE**

March 09, 2016
nitin