

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

**R.S.A No. 57 of 1998(O&M)
Date of decision :04.11.2016**

Sohan Singh alias Sucha Singh

.....Appellant

Versus

Jaswant Singh

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.S.Thind, Advocate
for the appellant.

Mr. Vishal Goel, Advocate,
for the respondent.

DARSHAN SINGH, J. (Oral)

CM No. 14680-C of 2016

This application has been filed by the respondent for placing on file the affidavit of Kuldeep Kaur d/o Jaswant Singh w/o Dilbagh Singh r/o Molhar Kalan, Tehsil and District Patiala.

Heard.

In view of the reasons mentioned in the application, the application stands allowed and the affidavit of Kuldeep Kaur d/o Jaswant Singh w/o Dilbagh Singh r/o Molhar Kalan, Tehsil and District Patiala is taken on record subject to just objections of the opposite party.

CM No. 14691-C of 2016

This application has been filed by the appellant for placing on file the affidavits of Gurdeep Kaur widow of Sohan Singh @ Sucha Singh r/o village Kasour Tehsil Gulha District

Kaithal and Jasbir Kaur @ Jaswinder Kaur d/o Sohan Singh @ Sucha Singh r/o Village Daroli Tehsil Patran, District Patiala.

Heard.

In view of the reasons mentioned in the application, the application stands allowed and the affidavits of Gurdeep Kaur widow of Sohan Singh @ Sucha Singh r/o village Kasaur Tehsil Guhla District Kaithal and Jasbir Kaur @ Jaswinder Kaur d/o Sohan Singh @ Sucha Singh r/o Village Daroli Tehsil Patran, District Patiala are taken on record subject to just objections of the opposite party.

Learned counsel for both the parties states that the matter has already been amicable settled between the parties in view of the compromise deed dated 11.09.2016, which is already taken on record as Annexure R-3. They pleaded that the main appeal may also be taken up today and be disposed of in view of the compromise deed. Thus, the main appeal which is listed for 20.12.2016 is also taken up today for disposal on the basis of the compromise.

R.S.A No. 57 of 1998(O&M)

Deceased-respondent Jaswant Singh had filed the suit for possession by specific performance of the agreement to sell dated 22.05.1987 with respect to the land measuring 24 Kanals detailed and described in para no.3(a) of the plaint. The suit filed by Jaswant Singh was decreed by the learned trial Court vide judgment and decree dated 15.03.1994. The decree for specific performance of the agreement to sell dated 20.05.1987 was passed in favour of the respondent-plaintiff Jaswant Singh.

2. Defendant-appellant Sohan Singh @ Sucha Singh preferred the appeal. The same was also dismissed by the learned Additional District Judge, Kaithal, vide judgment and decree dated 24.10.1997. Hence this appeal.

3. During the pendency of appeal both original appellant as well as respondent have died and their legal representatives have been brought on record. The parties have compromised during the pendency of the present appeal and they have placed on record the written compromise deed dated 11.09.2016 (Annexure R-3). Appellants have also brought on record the affidavits of Smt. Gurdeep Kaur widow of Sohan Singh @ Sucha Singh and Jasbir Kaur @ Jaswinder Kaur d/o Sohan Singh @ Sucha Singh in support of the compromise. Similarly respondents have also brought on file the affidavit of Kuldeep Kaur daughter of deceased-respondent Jaswant Singh in support of the compromise. Smt. Gurdeep Kaur widow of Sohan Singh @ Sucha Singh, Jasbir Kaur @ Jaswinder Kaur daughter of appellant-Sohan Singh @ Sucha Singh and Kuldeep Kaur daughter of deceased-respondent Jaswant Singh have supported and ratified the written compromise dated 11.09.2016 and they have categorically mentioned in the affidavits that they will not claim any right over the property in dispute and they have no objection if the compromise between the parties is effected and the decree is amended.

4. The compromise deed dated 11.09.2016 shows that the legal representatives of deceased-appellant Sohan Singh @ Sucha Singh and respondent-Jaswant Singh have compromised the matter in terms of the compromise detailed in para no.2 (i) to (x) mentioned in the compromise deed. The compromise is signed by the legal representatives of deceased-appellant as well as deceased-respondent who were already brought on record.

5. As already mentioned, the remaining legal representatives have filed their affidavits supporting the compromise, so the present appeal is hereby disposed of in terms of the compromise deed dated 11.09.2016. The decrees

passed by the learned Courts below stands modified as per the terms and conditions of the compromise deed dated 11.09.2016 which will form the part of the decree. However, it is made clear that this decree will be subject to the stamp and registration charges as per law.

04.11.2016

S.khan

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No