

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 5675 of 2008
Date of Decision :09.11.2016

Harnam Singh

....Petitioner(s)

Versus

Director Consolidation Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN

Present : Mr.R.S.Budhwar, Advocate for the petitioner

Mr. S.S.Dinarpur, Advocate for the respondent no.2

MAHESH GROVER, J.

In view of the settlement arrived at between the parties, the main case is taken on board today.

The petitioner had approached this Court seeking quashing of the order dated 5.2.2008.

The dispute largely centred around providing a passage by making adjustments in the land of the stake holders.

During the course of proceedings, the matter was referred to the Mediation and Conciliation Centre of this Court where the parties have resolved their dispute in the following terms:-

a) The land in the Murabba No. 26 is a Mushtarka

Land belonging to Harbans Singh, Gurcharan Singh, Kuldip

Singh and Gurmeet Singh. This land has not been partitioned

till date amongst the aforesaid co-sharers/rightful owners. In fact Killa no.6, 7, 8 and 9 are under possession of Harbans Singh, Gurcharan Singh, Kuldeep Singh and Gurmeet Singh respectively.

b) The Killa no. 7 and 8 shall be exchanged between Gurcharan Singh and Kuldeep Singh as per the settlement and consequently Kuldeep Singh will get Killa No.7 and Gurcharan Singh will get Killa No.8. Whereas Killa No. 6 and 9 shall remain with Harbans Singh and Gurmeet Singh respectively. Formal partition through the revenue authorities will be got carried out by the parties mutually in terms of the settlement. All the parties shall remain bound by this settlement and if either of the party backs out, he will have to pay the penalty of Rs.5,00,000/- to the effected party.

c) The pecuniary loss caused to Kuldeep Singh by way of litigation and on account of the fact that his land remained vacant due to dispute, he shall be compensated by Harnam Singh for the said loss.

d) That the first party has agreed to pay Rs.60,000/- (Rupees sixty thousand only) by way of compensation on account of loss caused to Kuldeep Singh. The said amount shall be given by the first party in the name of Kuldeep Singh by way of bank draft on 10.8.2016.

e) Gurcharan Singh, who has been given Killa No.8 by virtue of this settlement shall be bound to provide two karam wide rasta from eastern side of Killa No.8 to Harnam Singh, the

first party.

f) This Mustarka land comprised in Killa no. 6,7, 8 and 9 shall be partitioned and would be given to the respective parties in terms of this settlement by the concerned revenue authorities.

g) Though the formal partition is yet to take place in view of this settlement but actual physical possession of Killa no. 8 has been delivered to Gurcharan Singh whereas physical possession of Killa No.7 has been delivered to Kuldip Singh today itself at the spot. Whereas possession of Killa No.6 and 9 shall remain with Harbans Singh and Gurmeet Singh respectively. This partition will be limited amongst the shareholders of Killa No. 6 to 9.

In view of the above, the instant writ petition is disposed of leaving the parties bound by the afore-extracted terms of the settlement arrived at between them.

(Mahesh Grover)
Judge

09.11.2016

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Shekher Dhawan)
Judge