

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No.M- 45 of 2011(O&M)

Date of Decision: January 21 , 2016.

Jasbir Kaur

..... APPELLANT (s)

Versus

Nirmal Singh

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE RAJIVE BHALLA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. H.S.Batth, Advocate
for the appellant.

Mr. Sandeep Khunger, Advocate and
Mr. S.K.Arora, Advocate
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

RAJIVE BHALLA, J.

The appellant, wife challenges judgment and decree dated 08.01.2011, passed by the Additional District Judge, Ferozepur granting a decree of divorce to the respondent, husband.

Jasbir Kaur, the appellant is present in Court alongwith her counsel and states that as the respondent's father, Sh. Ajit Singh, has with the consent of the respondent, agreed to transfer 13 Kanals of land situated in

village Malang Shah Wala, Tehsil Zira, District Ferozepur to Rajbir Singh, son of parties, she is ready to withdraw the appeal. Jasbir Kaur also states that she shall also withdraw her petitions filed for maintenance after the land is transferred and the transfer so made shall be in full and final settlement for all claims for maintenance, permanent alimony etc. for herself and her children.

Sh. Ajit Singh, father of the respondent is present in Court and states that he shall forthwith transfer 13 Kanals of land in the name of Rajbir Singh, son of the parties, by way of a deed or such other legal document that may be permissible in law and after execution of the transfer document, shall get a mutation sanctioned in the name of Rajbir Singh. Ajit Singh further states that he shall bear the entire expenses of the execution of the transfer documents as well as sanction of the mutation. Ajit Singh also states that neither he nor his wife or any of his children including Nirmal Singh or his heirs, assigns, executors, successors or legal representatives shall have any right, title or interest in the land to be transferred to Rajbir Singh, who shall be absolute owner in possession through the appellant as his guardian. Sh. Ajit Singh also states that he will not alienate the common path shown in orange colour in the site plan and allow unhindered use of the path.

Counsel for the respondent has filed a site-plan identifying the land to be transferred in the name of Rajbir Singh, son of the parties. The site-plan also depicts a common path, in orange colour, which as per the parties shall be used as a common path. The site plan has been signed by the appellant, Jasbir Kaur and Ajit Singh, father of the respondent. Counsel for the

respondent states, on instructions, that the respondent is agreeable to the above arrangement.

Counsel for the parties pray that in view of the aforesaid agreement, the appeal may be dismissed as withdrawn.

We have heard counsel for the parties, considered the statements made by Jasbir Kaur and Ajit Singh. The site plan is taken on record as Mark "A". The portion to be transferred to Rajbir Singh is marked as RSTU.

A perusal of the site-plan Mark 'A' reveals that Ajit Singh has agreed to transfer 13 Kanals of land bearing Killa No.21/1 (4-0), 21/2 (4-0) from Rectangle No.18 and a part of Killa No.1 (5-0) from Rectangle No.22, situated in village Malang Shah Wala, Tehsil Zira, District Ferozepur, as delineated in the site plan Mark 'A' with the words 'RSTU' alongwith a right to use the common path depicted in orange, to Rajbir Singh, son of the parties. The parties have also agreed that this transfer of land shall be in full and final settlement of all claims, by the appellant and her children, for maintenance, permanent alimony etc. past, present and future. The parties have also agreed to withdraw/get quashed, all cases pending inter parties whether before a criminal or a civil court.

Consequently, we dismiss the appeal as withdrawn with the following directions:-

- 1) Ajit Singh son of Sh. Wadhawa Singh, father of the respondent, shall transfer land Mark 'A' depicted by the words RSTU, bearing Killa No.21/1 (4-0), 21/2 (4-0) from rectangle No.18 and a part of

Killa No.1 (5-0) from rectangle No.22 situated in village Malang Shah Wala, Tehsil Zira, District Ferozepur alongwith a right to use the common path depicted in orange colour in the site plan Mark 'A' in the name of Rajbir Singh, son of the parties as absolute owner, through his mother and guardian Jasbir Kaur, within one month from today;

- 2) The mutation shall be sanctioned within a month thereafter;
- 3) The expenses for the transfer and mutation shall be borne by the respondent or Ajit Singh;
- 4) The respondent, Nirmal Singh has no objection to this arrangement;
- 5) All complaints, petitions, applications or suits between the parties shall be withdrawn, compromised or quashed with the cooperation of the parties; and
- 6) Decree sheet be modified accordingly.

(RAJIVE BHALLA)
JUDGE

(LISA GILL)
JUDGE

January 21 , 2016.
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