

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

LPA No. 1824 of 2015 (O&M)

Date of decision : May 03, 2016

Comfort Technologies

.....Appellant

Versus

Engineering Department and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Rajesh Garg, Senior Advocate with
Mr. Sundeep Kumar, Advocate
for the appellant.

Mr. Raghav Goel, Advocate for
Mr. Harkesh Manuja, Advocate
for respondents No. 1 and 4.

Mr. Rajpal Singla, for respondents No. 2 and 3.

Mahesh Grover, J.

Arguments have been heard at length.

When we were not inclined to interfere, father of the appellant firm's proprietor, who is also the signatory to the lease agreement on the strength of which the appellant-Firm gained possession to the demised premises, has stated that he is willing to forsake the possession of the demised premises subject to the condition that the entire litigation is brought to an end and no claim is raised against him and likewise he will also not raise any claim against respondent No. 2.

Husband of respondent No. 2 is present in Court and states that he has an authority from his wife and son to accept the offer made by the appellant.

In view of the consensual stand between the parties, the following terms have been crystallised for acceptance inter se between them :-

- (i) Physical vacant possession of the demised premises will be given to respondents No.2 and 3 or to the husband of respondent No.2 on or before 03.06.2016.
- (ii) The appellant will not seek any further extension under any circumstances.
- (iii) The appellant shall have no claim against the private respondents from now onwards and likewise the private respondents will also have no claim against the appellant either in terms of agreement or otherwise.
- (iv) The entire litigation shall be brought to an end with the appellant withdrawing the civil suit filed against the private respondents instantaneously by moving an appropriate application before the concerned Court to which the private respondents will have no objection. The private respondents will not initiate any proceedings civil and criminal against the appellant on account of the present dispute or any issue related thereto. The parties will seek quashing of the FIR to which also the private respondents will raise no objection.

Statements to this effect have been recorded separately.

In view of the acceptance of abovesaid terms by both the parties, we dispose of the present letters Patent Appeal. Parties shall be bound by the terms of settlement mentioned above.

(Mahesh Grover)
Judge

(Lisa Gill)
Judge

May 03, 2016