

RSA No. 3596 of 2014 (O&M)

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

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RSA No. 3596 of 2014 (O&M)

Date of Decision: September 14, 2016

HARWINDER KUMAR

-APPELLANT

VS

M/S MODI AND CO. COMMISSION AGENTS

-RESPONDENT

RSA No. 3597 of 2014 (O&M)

NARINDER KUMAR

-APPELLANT

VS

M/S MODI AND CO. COMMISSION AGENTS

-RESPONDENT

RSA No. 3598 of 2014 (O&M)

SHAM LAL

-APPELLANT

VS

M/S MODI AND CO. COMMISSION AGENTS

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: None for the appellant.

Mr.Sherry K. Singla, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

Vide this common judgment, I intend to dispose of RSA

No.3596 of 2014 titled as Harwinder Kumar vs M/s Modi and Co. Commission Agents, RSA No. 3597 of 2014 titled as Narinder Kumar vs M/s Modi and Co. Commission Agents and RSA No.3598 of 2014 titled as Sham Lal vs M/s Modi and Co. Commission Agents.

Defendant is in second appeal against concurrent judgments and decrees passed by the Courts below in a suit for recovery.

During course of proceedings in the High Court, both the parties amicably settled their grievances. Defendant-appellant agreed to pay total sum of Rs.1,28,500/- to the plaintiff-respondent in three instalments of Rs.42,850/- each. Three cheques were given and resultantly, three complaints under Section 138 of Negotiable Instruments Act, 1881 were filed by the decree holder-respondent. COCP No.1853 of 2015 was also filed by the decree holder-respondent.

Learned counsel for the respondent submits that during contempt proceedings, terms and conditions of compromise dated 10.04.2015 were complied with by the judgment debtor-appellant and as a result of that, rule issued against the judgment debtor in contempt proceedings was discharged. Decree holder undertook to withdraw the execution proceedings.

Learned counsel for the respondent further submits that nothing survives in the present three appeals for further consideration of the Court and, therefore, these appeals are liable to be disposed of in the light of settlement arrived at between the parties on 10.04.2015 before Mediation and Conciliation Centre of

this Court.

Ordered accordingly.

Since, none has appeared on behalf of the appellant, liberty is granted to the appellant to revive the proceedings if the statement of fact given on behalf of respondent ultimately found to be untrue.

(RAJ MOHAN SINGH)
JUDGE

September 14, 2016

Jyoti Y.

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No