

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

111+216

CR-3409-2013 (O&M)
Date of decision: 06.11.2017

JASBIR KAUR

...Petitioner

Versus

HARBANS SINGH AND ORS.

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. M.L. Saini, Advocate for the petitioner.

Mr. Rakesh Chopra, Advocate for respondents No.1 and 2.

Mr. Arvind Kashyap, Advocate for respondent No.4.

REKHA MITTAL, J. (Oral)

CRM No.23335 of 2017

Allowed as prayed for. Annexure -A1 is taken on record subject to just exceptions.

Main Case

Admittedly, dispute between the parties has been settled vide settlement dated 29.08.2017 arrived at with the intervention of a Mediator in the Mediation and Conciliation Centre of the Court.

Counsel for respondents No.1 and 2 (decree holders) would state that claim of the decree holders already stands satisfied. As per the settlement between the petitioner/JD and auction purchaser/respondent No.4, the JD/first party before the Mediator has agreed to pay an amount of Rs.19.50 lakh, out of which payment of Rs.1.5 lakh in cash has already been made and the remaining payment is made by post dated cheques.

Counsel for respondent No.4 would state that post dated cheque

dated 15.10.2017 of Rs.3.5 lakh has not been presented for encashment at the request of the petitioner for want of funds in her account. Counsel for the petitioner would state that the petitioner had deposited an amount of Rs.3,41,800/- with the executing Court in terms of order dated 27.05.2013 passed by this Court and the same may be allowed to be released in favour of the auction purchaser and the deficiency qua Rs.3.5 lakh shall be made good by the petitioner within a period of 10 days. It is further submitted that the petitioner shall ensure that balance payment of Rs.14.5 lakh is made to the auction purchaser in terms of settlement dated 29.08.2017.

Counsel representing the auction purchaser has got no objection if obligation to pay Rs.3.5 lakh referred to in Clause (ii) of Sub Para b of Para 7 of the settlement dated 29.08.2017 is satisfied, as prayed for by counsel for the petitioner. In view of the above, the executing Court is directed to release the amount of Rs.3,41,800/- deposited by the petitioner in favour of auction purchaser namely Gurnam Singh.

In view of the above, the petition stands disposed of but the parties shall remain bound by the terms and conditions of settlement, subject to aforesaid modification.

06.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No