

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

**CR No.4240 of 2015
Date of Decision:6.11.2017**

Rajat (minor) and another

...Petitioners

Versus

Jaswinder Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Namit Khurana, Advocate for the petitioners.
Mr.Abhinav Sood, Advocate for respondents No.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

Petitioner Rajat along with his mother and grandmother had filed a suit, which was decreed. Rajat was a minor. In the appeal filed by the defendants, counsel representing the respondents including Rajat as well as Smt. Saroj Bala, the mother, entered into a settlement and stated as under:-

“It is stated that appellants have paid a total sum of Rs.7,50,000/- in cash to respondents in full and final satisfaction of impugned judgment and decree dated 27.02.2010. The present appeal may kindly be dismissed as withdrawn. The respondents give an undertaking that impugned judgment and decree dated 27.02.2010 stand satisfied.

The above reproduced statement has been duly signed by respondent No.1. Smt. Saroj Bala, who has received a sum of Rs.7,50,000/- in cash before this Court today. To come up for order on 01.04.2011.”

Thereupon the appeal filed by the defendants was disposed of by the court after noticing the aforementioned statement. The order is extracted as under:-

“In view of above, present appeal is dismissed as withdrawn. Both the parties shall remain bound by the statement recorded by this Court on 25.03.2011 and reproduced above. Both the parties are left to bear their own

costs throughout. The lower court record alongwith a copy of present order be sent back to record room through the learned lower court. At the same time, the record of present appeal be consigned to record room.”

Rajat, the minor son of Smt.Saroj Bala now wants to continue with the execution petition pursuant to the decree passed by the trial court.

Learned counsel for the petitioners submits that Rajat was a minor and his mother could not settle the dispute without seeking permission of the Court.

I have heard the learned counsel for the parties at length.

It is not in dispute that the mother as well as counsel for the respondents including Rajat had suffered a statement before the court, admitting full and final satisfaction of the impugned judgment and decree dated 27.2.2010. Once such statement was recorded and appeal was disposed of, the execution petition of decree dated 27.2.2010 cannot be continued. If petitioner Rajat has any grievance, he should resort to the appropriate remedy, in accordance with law.

Revision petition stands dismissed.

6.11.2017
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No