

In the High Court of Punjab and Haryana at Chandigarh

225

CR No. 6286 of 2016

Date of decision: 31.7.2017

BIJENDER SINGH DAGAR AND ORS.

.....Petitioners

Versus

PARTAP AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Adarsh Jain, Advocate,
for the petitioners.

Mr.Rohit Ahuja, Advocate
for respondent No.1.

None for respondents No.2 and 3.

Raj Mohan Singh, J.(oral)

During the course of arguments, it has been revealed that the suit was dismissed as withdrawn after recording statements of the parties in the context of compromise, but the factum of compromise was not made part of the order nor any such decree was passed by the trial Court. Later on compromise was not acted upon. Such a compromise cannot be enforced in terms of Order 23 Rule 3 CPC particularly in view of order of dismissal of the suit as withdrawn. No decree was granted on the basis of compromise, therefore, the order,

dismissing the suit as withdrawn, is not executable in nature. The prayer for enforcement of the compromise was declined by the trial Court vide order dated 6.11.2015. However, liberty was given to the petitioners to take recourse to the appropriate proceedings in accordance with law.

At this stage, learned counsel for the petitioners wishes to withdraw this petition with liberty to file an appropriate application for revival of the suit before the trial Court.

Dismissed as withdrawn with liberty aforesaid. In case any such application is filed before the trial Court, the same shall be decided in accordance with law

(RAJ MOHAN SINGH)
JUDGE

July 31, 2017
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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No