

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.6635 of 2016 (O&M)
Date of decision:1.2.2017**

Hema Chopra and another

...Petitioners

Versus

Anil Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Nitin Thatai, Advocate for the petitioners.
Mr.Sachin Gupta, Advocate for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of the plaintiffs, is directed against the order dated 1.7.2016 passed by the learned trial Court , rejecting their prayer for disposal of the suit, in terms of compromise arrived at between the parties.

Notice of motion was issued and the learned trial Court was directed to adjourn the case beyond the date fixed before this Court.

When the case came up for hearing on 11.1.2017, following order was passed by this Court:-

“Learned counsel for the parties are ad idem that compromise (Annexure P-4) was arrived at between the parties, which is still intact. However, they seek short adjournment to file duly sworn affidavits, attested by the Executive Magistrate, of both the petitioners and respondent No.1, who is stated to be the only contesting respondent.

Let them do so within a period of two weeks from today. They shall also point out in their respective affidavits that respondent No.2-Jagmohan Vij is not a contesting respondent

and none of his interest would be adversely affected.

List on 1.2.2017.

In compliance of the above-said order, learned counsel for the petitioners has filed CM No.1551-CII of 2017, seeking permission to place on record three affidavits as Annexure P-10 (colly). These three affidavits are that of petitioners and respondent No.1. All these three affidavits have been attested by Executive Magistrate. In every affidavit, the deponent has specified that respondent No.2-Jagmohan Vij son of Sh. Sashi Shankar Vij is not the contesting respondent nor any of his interest would be adversely affected if the present revision petition is allowed and suit of the plaintiffs-petitioners is ordered to be disposed of, in terms of compromise (Annexure P-4). In this view of the matter, CM No.1551-CII of 2017 is allowed. All the three affidavits contained in Annexure P-10 (colly) are permitted to be placed on record.

Learned counsel for the parties are *ad idem* that compromise arrived at between the parties (Annexure P-4) is a genuine one and they shall remain bound by the terms and conditions thereof.

Learned counsel for respondent No.1-Anil Kumar submits that since the compromise between the parties is a genuine one, he has got instructions to say that respondent No.1 will have no objection in case the present revision petition is allowed, setting aside the impugned order dated 1.7.2016 passed by the learned trial Court and the suit of the plaintiffs-petitioners is ordered to be disposed of.

In view of the above-said conceded position at the bar, impugned order dated 1.7.2016 passed by the the learned trial Court is

hereby set aside. Consequently, the learned trial Court is directed to re-consider the prayer made on behalf of the plaintiffs-petitioners for disposal of their suit, in terms of the compromise (Annexure P-4).

With the above-said observations made and directions issued, the instant civil revision petition stands allowed, however, with no order as to costs.

1.2.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No