

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

**CR No.7155 of 2017
Date of decision: 13.10.2017**

Nirmaljit Singh

... Petitioner

Vs.

Balwant Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sudhir Paruthi, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the order dated 19.05.2016 (Annexure P-3) passed by the learned trial Court, whereby application moved for disposing of the suit on the basis of alleged compromise dated 26.02.2014, was dismissed, defendant has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A careful perusal of the impugned order passed by the learned trial Court would show that the terms and conditions of alleged compromise dated 26.02.2014 arrived at between the parties were not acceptable to the plaintiffs-respondents. When notice of the application moved by the petitioner-defendant was issued by the learned trial Court to the plaintiffs, they put appearance and

categorically denied the execution of said compromise dated 26.02.2014. Under these circumstances, the learned trial Court was left with no other option except to pass the impugned order, dismissing the application of the defendant, seeking disposal of the suit on the basis of abovesaid compromise. In such a situation, it can be safely concluded that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

Once both the parties were not agreeing to the terms and conditions of compromise allegedly arrived at between them by way of an out of Court settlement, the learned trial Court would have exceeded its jurisdiction by disposing of the suit on the basis of said compromise, which was being categorically denied by the plaintiffs. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason also.

It goes without saying that a compromise cannot be unilateral. It is also equally true that once the compromise is acceptable to both the parties, no Court would have any objection in accepting said compromise and disposing of the matter on the basis thereof, because in that eventuality, none of the parties would raise any objection in disposal of the matter. In the case in hand, the fact situation was entirely different. The moment notice of the application was issued to the plaintiffs, they categorically denied execution of the compromise, which would mean that there was no amicable settlement between the parties. The learned trial Court, in such a situation, would not have any jurisdiction to issue a direction to the plaintiffs to accept the terms and conditions of said compromise, which were not acceptable to the plaintiffs, as the terms and conditions thereof

were causing prejudice to the interest of the plaintiffs. Further, the compromise had not become part of the judicial record, because it was never accepted by the plaintiffs at an earlier point of time. In this view of the matter, no fault can be found with the impugned order passed by the learned trial Court and the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order passed by the learned trial Court has been found based on sound reasons and the same deserves to be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

13.10.2017
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No