

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

CR No. 8144 of 2016

Date of decision : 23.01.2017

Karam Singh & anr.

....Petitioners

V/s

Gurvinder Singh

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Harkesh Manuja, Advocate for the petitioners.

RAJAN GUPTA J.

This is a petition impugning the order passed by Civil Judge (Jr. Division), Kharar whereby application filed by petitioners for restoration of the suit has been dismissed.

Learned counsel for the petitioners has assailed the order. He submits that application filed by petitioners for restoration of the suit was dismissed on flimsy grounds. According to him, court below has failed to appreciate the fact that respondent has resiled from the compromise and has failed to execute the sale deed in their favour. Thus, impugned order deserves to be set-aside.

I have heard learned counsel for the petitioners.

It appears that plaintiffs-petitioners filed a suit for declaration and specific performance against defendant-respondent. Issues were framed on 26.02.2013. Plaintiffs claim that a compromise was arrived at between the parties. They, thus, moved an application before the court below for withdrawal of the suit. Same was allowed by the court below vide order dated 01.08.2014. Thereafter, respondent-defendant is alleged to have

resiled from the compromise which necessitated the plaintiffs to file an application for restoration of the suit. Trial court held that the plaintiffs had simply withdrawn the suit when it was fixed for their evidence, thus dismissed the application. Moreover, defendant was duly contesting the suit and did not suffer any statement to the effect that there was a compromise between the parties. I find no infirmity with the order passed by court below. It appears that after issues were framed plaintiffs availed sufficient opportunities to lead their evidence. During this time, they never disclosed to the court about any compromise between the parties. They simply withdrew the suit.

In view of above, no interference in revisional jurisdiction is called for. Revision petition is without any merit and is hereby dismissed.

January 23, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No