

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

**CR No.8228 of 2015 (O&M)
Date of decision: 25.09.2017**

Green Restaurant and another

... Petitioners

Vs.

Green's Hotel

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Tushar Sharma, Advocate
for the petitioners.

Mr. Arihant Jain, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 29.10.2015 (Annexure P-5) passed by the learned trial Court, whereby application of the defendants moved under Section 151 of the Code of Civil Procedure for issuing appropriate directions that the parties shall remain bound by the terms and conditions of the compromise arrived at between them, on the basis of which plaintiff-respondent withdrew the suit, was dismissed, defendants have approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that during pendency of the suit, when parties arrived at an amicable settlement, their respective statements were

recorded by the learned trial Court vide Annexure P-2 (colly.), at page 12 of the paper book. In terms of the compromise arrived at between the parties, plaintiff withdrew its suit vide order dated 24.08.2015 (Annexure P-3) passed by the learned trial Court. However, there is an apprehension raised on behalf of the petitioners-defendants that the plaintiff may not try to resile from the statement, on the basis of which, matter was amicably settled between the parties.

Learned counsel for the respondent-plaintiff fairly states that the apprehension raised on behalf of the petitioners is wholly misconceived, because both the parties shall remain bound by their respective statements suffered before the Court and the plaintiff has not violated said statement so far nor the plaintiff intends to do so in future.

In view of the above, present revision petition is disposed of, with this observation that both the parties to the litigation shall remain bound by their respective statements suffered before the learned trial Court on 24.08.2015.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

25.09.2017
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No