

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

**CR No.8573 of 2015(O&M)
Date of Decision: 27.11.2017**

State of Punjab and othersPetitioner

Versus

Guru Gobind Singh College Trust ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Charanpreet Singh, DAG, Punjab.

Mr. Pawan Kumar, Sr. Advocate with
Mr. Vipin Kumar, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(ORAL)

[1]. Petitioners have challenged the order dated 23.04.2014 passed by Additional Civil Judge (Senior Division), Barnala vide which the application filed by the plaintiff/respondent for restoration of the suit was allowed.

[2]. Plaintiff filed a suit for declaration to the effect that Trust is the owner of the land measuring 276 kanals 5 marlas which was resolved to be transferred in favour of State of Punjab for setting up a Polytechnic College. Trust was created through registered trust deed dated 24.08.1969. Trust was the owner of 351 kanals 10 marlas of land.

[3]. During pendency of the suit, there was a compromise effected between the parties and as a result of that, learned counsel for the plaintiff made a statement before the trial Court

for withdrawal of the suit. In view of statement made by the learned counsel for the plaintiff, the suit was ordered to be dismissed as withdrawn vide order dated 22.04.2013. Thereafter, application was filed for restoration of the suit on 11.11.2013 which was opposed by the defendants/petitioners.

[4]. Trial Court took notice of the fact that it was agreed between the parties that Punjab Technical University, Jalandhar who was to establish the said institution will deposit an amount of Rs.1 crore in the form of a joint fixed deposit receipt in the name of the plaintiff/Trust and Punjab Technical University, Jalandhar. The interest of the said amount was to be utilized by the plaintiff/Trust for its own college. A written agreement was executed between the plaintiff/Trust, Defendant/State of Punjab and Punjab Technical University, Jalandhar. Plaintiff/Trust was to withdraw the aforesaid suit in view of the compromise and ultimately, the same was withdrawn on 22.04.2013.

[5]. The terms and conditions of the agreement were not fulfilled by the defendant/State of Punjab. Defendant/State of Punjab did not intend to stick to the terms as agreed between the parties and did not intend to fulfill the condition as well. Due to violation of the terms and conditions of the compromise, the application for restoration of the suit came to be filed.

[6]. Trial Court summoned the original file in the application

for restoration of the suit and after perusal of the same, found that one agreement was there on record which was signed by Registrar Technology University and Bhola Singh Virk, Chairman of the plaintiff/Trust. Copy of the letter was also found on record which was signed by the Director of Technology Education Bhola Singh Virk, President of Guru Gobind Singh College Trust in which it was mentioned in respect of agreement made by the Technical University with the plaintiff/Trust.

[7]. In view of facts and circumstances on record, indulgence shown by the trial Court for restoring the suit cannot be faulted with. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

27.11.2017

prince

Whether Reasoned/Speaking

Whether Reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No