

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

**CM No.2729, 2730 and 16934-C of 2016 and
RSA No.1846 of 1996
Date of decision:24.1.2017**

Mahavir Prasad and another

...Appellants

Versus

Nai Sabha, Rewari and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Sudhir Mittal, Advocate for the applicants-appellants in
CM-2729-2730-C-2015
Mr.Sanjay Mittal, Advocate for respondent No.1.
Mr.S.K.Yadav, Advocate for applicant-respondent No.2.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicants-appellants pray for allowing the appeal, on the basis
of compromise arrived at between the parties vide Annexure A-1.

Notice in application bearing CM No.2730-C of 2015 was
issued to the respondents vide order dated 1.4.2015.

Learned counsel for the respondents, at the very outset fairly
states that in terms of compromise Annexure A-1 attached with this
application, respondent-Sabha had already received the mutually settled
amount of Rs.5 lacs and it is also reflected in Annexure A-2, which is a
resolution dated 29.3.2011 passed by the Sabha.

Learned counsel for the appellants as well as learned counsel
for the respondents are ad idem that in terms of the above-said compromise,
the impugned judgment and decree are to be set aside and the present appeal
is to be allowed.

In view of the above-said common stand taken by the learned

counsel for the parties, instant application is allowed, for the reasons stated therein. The impugned judgment and decree are hereby set aside.

Should there be any confusion, it is clarified that the compromise (Annexure A-1) as well as resolution dated 29.3.2011 (Annexure A-2) shall form part of the decree. It goes without saying that parties shall remain bound by the terms and conditions of compromise.

However, before parting with the order, it is clarified that so far as right of applicant-Vijay Kumar in CM No.16934-C of 2016 is concerned, it shall remain unaffected and said applicant shall be at liberty to pursue his remedy before the appropriate forum, in accordance with law.

With the above-said observations made and directions issued, the present appeal stands allowed, however, with no order as to costs. Pending applications would also stand disposed of, accordingly.

24.1.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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