

109.

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

**CM-3314-C-2017 IN/AND
RSA-4582-2000**

Date of decision:16.03.2017

RAJINDER KAUR

... Appellant

versus

CHAIN SINGH & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arvind Singh, Advocate,
for the applicant-appellant.

HARI PAL VERMA, J. (Oral)

Mr. Parveen Sharma, Advocate, has put in appearance on behalf of respondent No.1 and has filed his power of attorney, which is taken on record.

The appellant-Rajinder Kaur (plaintiff No.2 in suit No.1348 of 1993) has filed the present Regular Second Appeal against the judgment and decree dated 11.10.2000 passed by learned Additional District Judge, Patiala whereby the appeal filed by the defendant-Chain Singh (respondent herein) against the judgment and decree dated 11.12.1998, was allowed.

The Civil Suit No.617-T/11.08.1993 filed by the respondent-defendant-Chain Singh against Harjit Singh seeking permanent injunction, was dismissed by the trial Court. Similarly, the

Civil Suit No.1348 of 1993 filed by the appellant along with one Harjit Singh against the respondent-defendant-Chain Singh, was decreed by the trial Court. Both the suits were disposed of by a common judgment and decree dated 11.11.1998.

Aggrieved against the said judgment and decree dated 11.11.1998, the respondent-defendant-Chain Singh filed an appeal against the appellant-Rajinder Kaur and one Harjit Singh and the Lower Appellate Court vide judgment and decree dated 11.11.2000 allowed the said appeal.

Dissatisfied with the judgment and decree dated 11.11.2000, the appellant-plaintiff-Rajinder Kaur has filed the present appeal, through her General Power of Attorney Sukhdev Singh son of Gurbax Singh.

The present appeal is accompanied by an application i.e. CM-3314-C-2017 for disposing of the appeal in view of compromise dated 06.03.2017 (Annexure A-1).

On the basis of the application which is accompanied by a compromise dated 06.03.2017 (Annexure A-1), learned counsel for the appellant has argued that during the pendency of the appeal, the matter has been compromised between the parties with their free will and without any influence or coercion. The broader terms and conditions of the compromise as entered between the parties read as under:-

“a) That the second party Chain Singh has not

objection if the present appeal is allowed in favour of Appellant-Rajinder Kaur as he is not in possession of the suit property and acknowledges that Rajinder Kaur-appellant alone is owner in possession of the suit property.

b) That Harjit Singh the predecessor-in-interest of appellant-Rajinder Kaur, from whom Rajinder Kaur-appellant has purchased the property had no interest left in the property and therefore, is not a necessary party in the present compromise.

c) That it is further agreed between the parties that revenue entries including the entries in the khasra girdawaris shall remain in the name of appellant-Rajinder Kaur as she is already recorded owner in the preceding jamabandis.

d) That both the parties have further agreed that they will not file any civil or criminal litigation against each other in future and will not claim any damages regarding the property in any manner.

e) That it is further agreed between the parties and that the present appeal may kindly be allowed and the judgment and decree dated 11.10.2000 passed by the court of Sh. Birender Singh, ADJ, Patiala granting a decree in favour of Chain Singh-respondent be set-aside and the suit filed by the respondent-Chain Singh be dismissed and the present appeal be allowed in terms of the compromise.”

The document i.e. compromise is taken on record and marked as Mark 'A'.

Learned counsel for the respondent-defendant on

does not dispute the factum of compromise entered between the parties.

In view of the respective stand of the parties when they have admitted the very execution of the compromise which is marked as Mark 'A', the application i.e. CM-3314-C-2017 stands allowed and the present appeal is disposed of in terms of the compromise dated 06.03.2017 as entered into between the parties.

(HARI PAL VERMA)
JUDGE

16.03.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No