

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

RSA No.1657 of 2007 (O&M)

Date of Order:07.11.2017

Bakshish Singh and others

..Appellants

Versus

Harbhajan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwaljit Singh, Sr. Advocate, with
Mr. S.S.Sodhi, Advocate and
Mr. Gagandeep S. Virk, Advocate,
for the appellants.

Mr. G.S.Punia, Sr. Advocate, with
Ms. Amanpreet Kaur, Advocate,
for the respondents.

ANIL KSHETARPAL, J.

Parties, who are family members, are unnecessarily fighting in
the Courts.

Mehar Singh, was the common ancestor between the parties.
Plaintiff Bakshish Singh has filed a suit against his brother and children of
other brother. It is not in dispute that pursuant to a family settlement,
which is Ex.P17/A on the record, parties had settled their dispute. The
compromise deed was recognized by a Civil Court decree dated 01.06.1987.
The plaintiffs who are Bakshish Singh and his children have challenged the
decree dated 01.06.1987 on the ground that it is a vague decree. He has
also challenged decree dated 04.04.1989 on the ground that he was not party
to the aforesaid decree and, therefore it will not be binding on him.

However, both the Courts below have concurrently found that

decree dated 01.06.1987 is a result of compromise between the parties. The compromise deed is duly signed by Bakshish Singh.

It is the contention of learned counsel for the appellants that the decree dated 04.04.1989 results in setting aside or taking away whatever was given to the plaintiff Bakshish Singh pursuant to a decree dated 01.06.1987.

During the course of arguments, counsel for the parties agreed that the decree dated 01.06.1987 shall be given effect in its totality without any variation and therefore, the decree dated 04.04.1989 to which the plaintiff is not a party would not adversely effect the rights of the plaintiffs.

With these observations, the Regular Second Appeal is disposed of in view of the consensus arrived at by the learned counsel for the parties.

NOTE:- All the miscellaneous applications shall stands disposed of in terms of the agreed order.

November 07, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No