

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

**C.M. Nos.3592-93-C of 2017 in/and
RSA No. 1070 of 2009
Date of Decision:-22.03.2017**

Smt. Santosh Devi and others

...Appellants

Versus

Ramesh Kumar

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Amit Jain, Advocate
for the applicants-appellants.

HARI PAL VERMA J.(Oral)

C.M. No.3592-C of 2017

Prayer in this application filed under Order 22 Rule 3 CPC read with Section 151 CPC is to implead the legal heirs of appellant No.3-Punit Goyal, who has died on 07.10.2009 leaving behind the legal heirs as mentioned in para 2 of the application.

Notice of this application be issued to the counsel opposite.

Mr. Raj Kumar Gupta, Advocate has put in appearance and accepts notice of the application and states that he has no objection in case the legal heirs of appellant No.3-Punit Goyal are ordered to be impleaded as

appellants in place of Punit Goyal.

Accordingly, the application is allowed. The legal heirs of appellant No.3-Punit Goyal, mentioned in para 2 of the application are ordered to be brought on record. The amended memo of parties is taken on record.

C.M. No.3593-C of 2017

Prayer in this application filed under Order 23 Rules 1 and 3 read with Section 151 CPC is for disposal of the main appeal in terms of compromise dated 06.3.2017 (Annexure A-1).

Learned counsel for the applicant-appellant has argued that during the pendency of the present appeal, the parties have amicably settled their dispute and accordingly a written compromise dated 6.3.2017 has been arrived at. Therefore, the present appeal may be disposed of in terms of this compromise.

Notice of this application.

Mr. Raj Kumar Gupta, Advocate accepts notice of this application also and on instructions from his client, who is present in the Court, states that the parties have resolved their dispute amicably and compromise has been arrived at between the parties on 6.3.2017. The respondent has signed the compromise and he has no objection in case the present appeal is preponed and disposed of in terms of compromise dated 6.3.2017.

Accordingly, this application is disposed of and the main appeal is ordered to be preponed and taken up on the Board today itself.

RSA No.1070 of 2009

The appellants/defendants (hereinafter called 'the defendants') have filed the present appeal against the judgment and decree dated 03.10.2008 passed by the Additional District Judge-I, Jind, whereby the appeal filed by respondent-plaintiff (hereinafter called 'the plaintiff') against the judgment dated 29.9.2007 passed by the Civil Judge (Sr. Division), Jind, was allowed.

The plaintiff has filed a suit for declaration regarding joint possession and ownership of the suit property against the defendants and the decree was passed in his favour declaring him to be co-owner in the suit houses, described in the plaint. During pendency of the present appeal, filed by the appellants/defendants before this Court, the appellants have filed an application i.e. C.M. No.3593-C of 2017 stating therein that during pendency of the appeal, with the intervention of respectable, the matter between the parties has been compromised amicably vide compromise deed dated 6.3.2017. The compromise deed dated 6.3.2017 has been placed on record as Annexure A-1. It has further been contended that since the matter has been compromised between the parties, the appellants did not wish to pursue the present appeal and the same may be disposed of in terms of compromise deed dated 6.3.2017.

Learned counsel for the respondent has not disputed the very factum of compromise (Annexure A-1), executed between the parties.

Accordingly, the present appeal is disposed of in terms of compromise deed dated 6.3.2017 (Annexure A-1) as entered between the

parties. The compromise deed may be formed as a part of the decree-sheet.

March 22, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No