

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 102

CMs-10477-78-C-2017 in/and
RSA-3736-2010
Decided on : 01.09.2017

Satyender and another

..... Appellants

VERSUS

Balraj and another

..... Respondents

CORAM: **HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr.O.P.Goyal, Senior Advocate, with
Mr.Piyush Aggarwal, Advocate along with
the appellants in person.

Respondent No.1-Balraj in person.

Mr.Ajit Sihag, Advocate, for respondent No.2.

. . .

DEEPAK SIBAL, J. (ORAL)

CM-10477-C-2017

Allowed as prayed for.

CM-10478-C-2017

Through this application, the applicants-appellants seek to withdraw the present appeal on the ground that the appellants and the contesting respondent No.1 have amicably resolved the matter through compromise deed which has been annexed with the application as Annexure A-1 (Colly.).

Respondent No.1-Balraj who appears in person and has been identified by the appellants, who in turn have been identified by their counsel, submits that they he has no objection if the prayer made in the application is allowed.

Counsel for respondent No. 2 also has no objection if the application is allowed.

In view of the above and with the consent of counsel for the parties, the date of hearing in the main case is preponed to today.

RSA-3736-2010

Respondent No.1, who was the plaintiff before the Trial Court had filed a suit for permanent injunction on the ground that he was owner of the suit property and the appellants, who, before the trial court, were defendants No.1 and 2, had encroached on the same. The Trial Court through judgment and decree dated 18.09.2007 dismissed the suit. Such dismissal was challenged by respondent No.1 before the Appellate Court which through judgment and decree dated 20.07.2010 reversed the judgment and decree passed by the Trial Court, giving a cause to the appellants to knock the doors of this Court through the present second appeal.

On 14.10.2010, notice in the appeal was issued to the respondents. The operation of the judgment and decree under appeal was also ordered to be stayed.

Learned counsel for the parties submit that the appellants and respondent No.1 have amicably resolved the matter through a written compromise deed, which is annexed with the CM-10478-C-2017 as Annexure A-1 (colly.).

Respondent No.1, who appears in person and has been identified by the appellants, who in turn have been identified by their counsel, admits to have settled the matter with the appellants through the compromise deed referred to above.

In view of the above, the compromise deed Annexure A-1(Colly.) is ordered to be taken on record as Exhibit-A (Colly.) with a direction that the parties to the present appeal shall remain bound by the same. As prayed for by the parties, the main appeal is permitted to be withdrawn in terms of the above compromise

deed Exhibit-A (Colly.) and resultantly, the judgment and decree of the trial court dated 18.09.2007 is ordered to be restored.

01.09.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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