

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.10696-C of 2017 in/and
RSA No.1241 of 2012 (O&M)
Date of Decision: September 05, 2017

Sukha Singh and another

..Appellants

Versus

Sahab Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. C.B. Goel, Advocate
for the appellants.

Mr. R.K. Gupta, Advocate
for the respondents.

DEEPAK SIBAL, J. (oral)

The appellants, who were the plaintiffs before the trial Court had filed a suit for specific performance of agreement to sell dated 15.06.1991, on the averments that through such agreement agricultural land measuring 26 Kanal i.e. 520/7003 shares out of total land measuring 350 Kanal - 3 Marla, Kittas 44, comprised in Khewat No.208/197, situated in village Salpani Kalan, Tehsil Thanesar, District Kurukshetra (for short 'the suit land'), had been agreed to be sold by the respondents to the appellants. The appellants had further challenged a collusive decree dated 02.08.1991 in Civil Suit No.848 of 1991 titled as Sahab Singh etc. Vs.

Dalip Singh, through which the suit land had been transferred by Dalip Singh in favour of the respondents.

The trial Court had dismissed the suit of the appellants. On appeal, the judgment and decree of the trial Court was affirmed, giving a cause to the appellants to knock the doors of this Court through the present second appeal.

An application being CM No.10696-C of 2017 has been jointly filed by the parties under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure, 1908, through which it is prayed that in view of the dispute between the parties having been amicably resolved the impugned judgments and decrees passed by the trial Court as also the appellate Court be set aside and resultantly, the present appeal be allowed in terms of the settlement. The compromise between the parties which has been reduced into writing and is dated 23.08.2017 has also been annexed with the application.

In view of the above, with the consent of both the parties, after preponing the date of hearing in the main case from 23.11.2017 to today, the main appeal is taken on board.

Mr. R.K. Gupta, Advocate, who appears on behalf of the respondents and is also a signatory to the aforesaid application, has appeared before the Court and after admitting the contents of the above application submits that he has no objection if the prayer made in the application is allowed.

In view of the above, the written compromise dated 23.08.2017 is ordered to be taken on record as Mark “A” and in terms thereof, the impugned judgments and decrees are set aside; the present appeal is allowed and the suit filed by the appellants is decreed. It is further directed that the parties shall remain bound by the written compromise Mark 'A'.

September 05, 2017
Sunil

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No