

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.715 of 2016

Date of Decision:23.03.2017

RajbirAPPELLANT
Vs.
Ram Chander and othersRESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Varun Gupta, Advocate for
Mr.Ashish Yadav, Advocate for the appellant.

Mr.Anil Ghanghas, Advocate for
Mr.Arun Yadav, Advocate for respondent No.1.

Mr.Vivek Saini, DAG, Haryana.

AJAY KUMAR MITTAL J. (ORAL)

1. This is a letters patent appeal under clause 10 of the Letters Patent for setting aside the order dated 02.03.2016 passed by the learned Single Judge of this Court whereby the Civil Writ Petition filed by respondent No.1 praying for setting aside the order dated 07.10.2015, order dated 30.10.2014 and order dated 01.10.2013 passed by Financial Commissioner (Revenue), Haryana, learned Commissioner, Div. Gurgaon and learned Collector, Rewari respectively was allowed.

2. Learned counsel appearing for the appellant submits that vide order dated 03.11.2016, this Court had directed that a fresh Naksha Beh be prepared in terms of the settlement. Order dated 03.11.2016 passed by this Court is reproduced as under:-

“Parties are agreed that they still abide by an affidavit and the terms of settlement set out therein, which may be extracted hereunder:-

“i) That both the parties would get equal front of the land abutting to North side as per Aks Sajra (Annexure P-6) meaning thereby

Rectangle No.70, killa No. 24(8-0) & 25 (4-2) (42+31=63) divided by 2.

ii) That likewise both the parties would get equal share/equal front of the land abutting to the South side i.e. pucca road meaning thereby the land comprising in Rectangle No.73, killa No.5/1 & 4/2 i.e. $32+4=36$ divided by 2.”

The Naksha Beh prepared subsequent to the aforesaid extracted terms of settlement is at variance with the consensual stand of the parties. It reveals that the appellant has been given less frontage on the northern and southern side while giving an increased frontage to the respondents.

In any case since both the parties still agree that they have no objection if Naksha Beh is prepared in terms of the afore-extracted settlement, we direct the Circle Kanungo, Rewari to prepare a fresh Nakasha Beh in accordance with the settlement between the parties and produce the same before this Court on or before the next date of hearing.

Adjourned to 10.02.2017.”

3. Learned counsel for the appellant urged that in compliance of aforesaid order dated 03.11.2016 passed by this Court, Circle Kanungo, Rewari has prepared a fresh Naksha Beh in accordance with the settlement between the parties. Therefore, present appeal has been rendered infructuous and the same may be disposed of as such.

4. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

23.03.2017
Anjal

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