

113 **CM-5215-C-2017 in
RSA-811-2012**

**Joga Singh and others
Vs.
Anil Sood (now deceased) through his L.Rs.
Sudha Sood and Abhishek Sood**

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

 Mr. Parveen K. Kataria, Advocate
 for the respondents.

 Power of Attorney filed on behalf of the respondents and the
affidavit filed by appellant Joga Singh are taken on record.

 Appellant No.1 Joga Singh and appellant No.2 Narinder Singh
and respondents Sudha Sood and Abhishek Sood are present in person with
their respective counsel.

 The instant application under Order 23(3) read with Section
151 of the Code of Civil Procedure has been filed by the appellants for
disposing of the appeal in terms of the settlement arrived at between the
parties and reduced into writing before Mediation and Conciliation Centre
of this Court on 30.03.2017. The written settlement duly signed by the
parties has been received from the Mediation and Conciliation Centre. The
parties, who are present in person in the Court today, admit their signatures
on the settlement. Counsel for the parties have also appended their
signatures on the settlement and it is submitted by them that both the parties
have voluntarily agreed to the terms and conditions recorded in the
settlement.

In view of the compromise between the parties and the written settlement, the appeal which stands admitted, is taken up today for disposal and the application is accordingly disposed of.

RSA-811-2012

Counsel for the appellants submits that appellant No.3 Harbhajan Singh had died on 05.12.2015. He had executed a will bequeathing all his properties in favour of his sons Joga Singh and Narinder Singh (appellants No.1 and 2) and therefore, they are his legal representatives. It is also submitted that Joga Singh is also the General Power of Attorney of his mother Smt. Harbhajan Kaur (appellant No.4) and in the suit filed by the respondents, she was impleaded through Joga Singh (General Power of Attorney). Accordingly, Joga Singh has signed the settlement in his individual capacity as well as on behalf of his mother Smt. Harbhajan Kaur being her General Power of Attorney.

In pursuance of the terms and conditions of the written settlement dated 30.03.2017, two demand drafts No.798954 dated 21.04.2017 and 004966 dated 24.04.2017 of an amount of Rs.6,00,000/- each (Rs.12,00,000/- total) have been handed over by learned counsel for the appellants to learned counsel for the respondents which have been accepted by him. The respondents admitting all terms and conditions of the settlement have no objection to the disposal of the appeal as recorded in the settlement. As per the terms the appeal is to be allowed and the suit filed by the respondents will be treated as dismissed as withdrawn.

Considering the submissions made by the parties present in person and the counsel representing them, the appeal is allowed in accordance with the terms and conditions of the settlement dated

- : 3 : -

30.03.2017. The said written settlement is made part of this order. Both the parties shall remain bound by the terms and conditions thereof and as mentioned in Para 6(g) of the settlement, the appellants would be entitled to refund of the court fee paid by them while filing the instant appeal.

(SNEH PRASHAR)
JUDGE

27.04.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No