

RSA No. 520 of 2013 (O&M)

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

RSA No. 520 of 2013 (O&M)

Date of Decision : 13.07.2017

Smt. Surinder Kaur

..... Appellant

Versus

Smt. Kaushalya Devi

..... Respondent/Plaintiff

CORAM : HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present : Mr. Rakesh Nehra, Advocate
for the appellant.

Mr. Rahul Makkar, Advocate
for the respondent.

RAJBIR SEHRAWAT, J. (Oral)

Vide order dated 06.12.2016 the parties in the appeal were directed to be present in person. However, the parties are not present. The counsel for the respective parties state that this appeal can be disposed of on their statements which is based upon the records of the Executing Court only.

Respondent in the present appeal had filed suit for specific performance of the agreement dated 25.10.1996 regarding the property involved in the agreement and the suit was decreed by the trial Court and the appellant herein was directed to execute the sale deed in respect of the disputed properties in favour of the plaintiff/respondent herein. This decree was challenged by the appellant/defendants before Additional District Judge, Rohtak. However, the appeal was also dismissed. Thereafter the

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deed in favour of the respondent-plaintiff. However, during the pendency of the execution petition parties arrived at compromise, which was placed as Mark-A on the file of the Executing Court. Pursuant to this compromise, respondent/plaintiff withdrew the execution petition saying that the decree stands fully satisfied and she does not want to press for compliance of the decree any more.

Accordingly, the executing Court vide order dated 26.07.2016 dismissed the execution proceedings as fully satisfied. The order of the executing Court has been placed on record on the present appeal.

In view of the above situation, both the counsel make joint prayer that the present appeal be disposed of in terms of the compromise which is put on the record of this file as Annexure C-1 at page 65 of this paper book.

Accordingly, this appeal is disposed of and the decree sheet be prepared and the compromise, stated above, shall form part of the decree.

July 13, 2017
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No