

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

Date of Decision: 19.12.2017

1. RSA No.3957 of 2016(O&M)

**Amarjit Kaur (deceased) through her LR Raghbir Singh
.....Appellant**

Vs

**Shubh Lata and others
.....Respondents**

2. RSA No.3587 of 2016(O&M)

**Amrik Singh (deceased) through his LRs and another
.....Appellants**

Vs

**Shubh Lata and others
.....Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Onkar Singh Batalvi , Advocate
for the appellant(s).

Mr. Deepak Arora, Advocate
for respondents No.1, 3 and 4.

RAJ MOHAN SINGH, J.(Oral)

[1]. Vide this common order, RSA No.3957 of 2016 titled Amarjit Kaur (deceased) through her LR Reghbir Singh Vs. Shubh Lata and others and RSA No.3587 of 2016 titled Amrik Singh (deceased) through his LRs and another Vs. Shubh Lata and others are being disposed of. Facts are being taken from RSA No.3957 of 2016.

[2]. Plaintiffs/decreed holders filed a suit for possession by

way of redemption of a house.

[3] Trial Court decreed the suit and passed a preliminary decree in favour of the plaintiffs on depositing an amount of Rs.5440/- within a period of 6 months vide judgment and decree dated 20.03.1985. Plaintiffs deposited the said amount within the stipulated period. However, later on, withdrew the amount as the Lower Appellate Court had stayed the operation of the decree. Ultimately, Lower Appellate Court partly accepted the appeal and modified the judgment and decree of the trial Court, thereby directing the plaintiffs to pay an amount of Rs.8000/- instead of Rs.5440/- vide judgment and decree dated 20.12.1985.

[4]. RSA No.340 of 1986 titled Sowaran Kaur (deceased) through LRs Vs. Shubh Lata and others was filed in the High Court. The aforesaid regular second appeal once was dismissed in default on 02.12.2010, but the same was restored and ultimately, the appeal was decided on merits vide judgment/order dated 08.12.2015.

[5]. Thereafter, application was filed for passing the final decree. Decree holder was ready and willing to deposit the amount of Rs.8000/- as per judgment and decree of the Lower Appellate Court which was affirmed by the High Court in RSA No.340 of 1986. Final decree was drawn on 19.09.2015.

Judgment debtors remained unsuccessful even before the Lower Appellate Court when the appeal was dismissed on 09.05.2016. That is how, the present appeals came to be filed.

[6]. Only notice in CM No.1573-C of 2017 in RSA No.3957 of 2016 was issued and CM No1572-C of 2017 was allowed on 15.02.2017. Thereafter, on the request of the appellant that he is ready to settle the matter amicably, the appeal was referred to Mediation and Conciliation Centre of this Court on 16.08.2017 and the interim protection granted to the appellant was ordered to be continued.

[7]. Learned counsel for the parties have informed the Court that no such mediation was held, however on the basis of readiness of the appellant, the case was further adjourned in order to test the *bona fide* of the appellant in the context of settling the issue.

[8]. On 16.12.2017, learned counsel for the appellant(s) stated before the Court that the appellants are ready to vacate the premises within 8 months for which they are ready to furnish undertaking in the High Court.

[9]. Today, learned counsel for the appellant(s) very candidly submitted that despite his whole hearted efforts, the appellant and other legal heirs have resiled from their earlier

commitment for which interim protection was granted in the case.

[10]. By taking into consideration the wholesome picture of the case, wherein the claim with regard to redemption has already attained finality in view of dismissal of regular second appeal before the High Court, I am of the view that no further indulgence can be granted in favour of the appellant(s). No law point worth cognizance is involved in the present appeals. The same are accordingly dismissed.

[11]. Since the appeals have been decided, therefore, there is no necessity of passing any order in the miscellaneous applications. The same are accordingly disposed of.

19.12. 2017

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No