

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA No.2694 of 2014(O&M)

Date of Decision:-10.11.2017

Sucha Singh.

.....Appellant.

Versus

Rajwinder Kaur & Ors.

.....Respondents.

Present:- Mr. Jagatpal Singh Banwait, Advocate for
Mr. Sarju Puri, Advocate for the appellant.

None for respondent no.1.

JASWANT SINGH, J.(ORAL)

Appellant-plaintiff is in second appeal against the concurrent findings returned by both the Courts below whereby his suit for joint possession of the land measuring 4 Kanal 15 Marla as detailed in the plaint was dismissed by learned Additional Civil Judge (Sr. Divn.), Shaheed Bhagat Singh Nagar vide judgment and decree dated 16.09.2011 and the findings thereof were affirmed by learned Additional District Judge, Shaheed Bhagat Singh Nagar vide judgment and decree dated 23.12.2013.

This Court issued notice of motion vide order dated 14.03.2016 which reads as under:-

“ In terms of the order dated 23.02.2016, learned counsel for the appellant has produced in Court today, a photocopy of what is shown to be a sale deed dated 14.05.1993 (Ex.P-1 before the learned Courts below), inter alia to submit that there was a recital in the said sale-deed to the effect that in

case there is a defect of title etc. in the property that was subject matter of the said sale-deed, the vendor, i.e. predecessor-in-interest of respondents No.1 to 4, would be liable to make good the same by transfer of like kind of land, or by return of the consideration along with costs and damages.

He further contends that on the basis of the above recital, the learned Additional District Judge, in the earlier round of litigation, had, while dismissing the appeal in a suit for permanent injunction filed by the appellant, granted liberty to file a suit for specific performance for transfer of like quality of land, or return of the consideration along with costs and damages.

Thus, he submits that the suit out of which these proceedings arise, was very much maintainable and should have been decreed in favour of the appellant.

Notice of motion be issued to the respondents, returnable on 25.05.2016.

Process dasti as well.

Further alienation of the suit property, till the next date of hearing only, shall remain stayed.”

At the time of hearing learned Counsel for the appellant states that he has instructions to withdraw the present appeal unconditionally in view of the parties having effected an amicable compromise.

In view of the statement made by learned Counsel for the appellant at the bar, present appeal is hereby dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

November 10, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>