

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

RSA No. 275 of 2017
DATE OF DECISION : 24.10.2017

Anita

.... APPELLANT

Versus

Partap Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rajender Singh Malik, Advocate, for the appellant.

Mr. Vikas Gulia, Advocate, for the respondents.

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AVNEESH JHINGAN, J.

The present regular second appeal has arisen out of civil suit filed by the appellant.

The parties are being addressed as per their original position in the plaint.

In the civil suit, the plaintiff claimed that she was born out of the wedlock of defendants No.3 and 4, and was adopted by defendants No.1 and 2 when she was about 1 year 10 months of age. Because of some dispute, suit for declaration was filed seeking relief against defendants No.1 and 2 to declare her as their only daughter and being their daughter, she is entitled to inherit the ancestral property in their hands. It was further prayed that decree for permanent injunction restraining defendants No.1 and 2 from alienating their ancestral property without legal necessity to any body else, be also passed in favour of the plaintiff.

The suit was dismissed and even the appeal filed by the plaintiff was also dismissed.

In the regular second appeal before this Court, on the request of learned counsel for the parties, the matter was referred to the Mediation and Conciliation Centre of this Court, to explore the possibility of an amicable settlement between the parties.

Both the parties appeared before the Mediation and Conciliation Centre and arrived at a compromise. The compromise along with the Mediator's report is taken on record as 'Annexure – A'. The relevant extract of the compromise is re-produced below :-

- “1. That the second party/appellant was taken in adoption by the first party/respondents no.1 and 2 from the respondents no.3 and 4 on 15.5.1976 after performing all ceremonies of the adoption and since then she has been brought up by the first party as their daughter. Hence the appellant/second party is only the legal representative of the first party/respondents no.1 and 2.
2. That the first party/respondents no.1 and 2 hereby declared that the second party/appellant shall be owner in possession of the property of first party/respondents no.1 and 2 i.e. a house measuring 11 Marla built on plot no. 144 at village Badhsa, Tehsil Bahadurgarh, District Jhajjar, a plot no. 673 measuring 2K-2M length 148'5” and width 77' situated in village Badhsa, District

Jhajjar or any other moveable and all movable or immovable properties situated in any part of the country. However any transfer/alienation by any means whatsoever regarding any property of first party/respondents no.1 and 2 to the third person shall be deemed to be null and void after this deed of compromise.

3. That the first party/respondents no.1 and 2 has no objection if it is declared to the effect that the second party/appellant is the only daughter of the first party/respondents no.1 and 2 and is entitled to inherit the ancestral property in the hands of first party/respondents no.1 and 2 after their death and the first party/respondents no.1 and 2 shall be restrained from alienating the ancestral properties in their hand without legal necessity hereafter.”

In view of the compromise arrived at between the parties, the appeal is disposed of, in terms of the compromise 'Annexure – A' arrived at between the parties before the Mediation and Conciliation Centre of this Court. The office is directed to prepare the decree sheet in terms of the compromise arrived at between the parties and the parties shall remain bound by the terms and conditions of the compromise.

October 24, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes