

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

**1. RSA No.2976 of 2017 (O&M)
Date of Decision: August 10, 2017**

Gurbachan Singh
..... Appellant

Versus

Harchet Singh
..... Respondent

2. RSA No.2991 of 2017 (O&M)

Gurbachan Singh
..... Appellant

Versus

Harchet Singh
..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jatinder Singla, Advocate
for the appellant.

Mr. Vishal Deep Goyal, Advocate
for the respondent.

DEEPAK SIBAL J. (ORAL)

Since ***RSA No.2976 of 2017*** and ***RSA No.2991 of 2017*** -
Gurbachan Singh Vs. Harchet Singh raise similar issues of fact and law
as also are between the same parties, both the appeals are being disposed
of through a common order.

Respondent-Harchet Singh, who was plaintiff before the trial
Court had filed two separate suits seeking therein recovery of
Rs.2,73,250/- and Rs.5,98,000/- respectively. Future interest was also
claimed. Both the suits were decreed by the trial Court.

The respective appeals preferred by the appellant to challenge the above referred decrees were dismissed by the Appellate Court giving him a cause to approach this Court through the present two second appeals.

On July 19, 2017, there being good chances for an amicable settlement of the matter, both the appeals were referred to the Mediation and Conciliation Centre of this Court, where conciliation proceedings took place before a Mediator, who, through his report, has submitted that the dispute between the parties stands resolved through a settlement dated 24.07.2017 on the following terms and conditions:-

- a) Gurbachan Singh (first party) agreed to pay Rs.7,25,000/- as full and final settlement towards the recovery suit filed by Sh. Harchet Singh (second party) and Harchet Singh has accepted and agreed to the amount mentioned above being his full and final settlement towards his claim.*
- b) The above said amount will be given in two installments by Gurbachan Singh (first party) to Harchet Singh (second party) in Co-operative Bank at Bhawanigarh, District Sangrur.*
 - i) First installment of Rs.3,00,000/- will be paid on 04.09.2017.*
 - ii) Second installment of Rs.4,25,000/- will be paid on 15.01.2018.*
- c) That on receiving of the amount by the Harchet Singh (second party) the receipt will be issued to the Gurbachan Singh (first party) respectively.*
- d) That it is agreed between the parties that both the parties will appear before the executing Courts on the date fixed and will place on record the settlement arrived between the parties and it is also agreed by the second party that the*

second party will not press the execution petitions and will withdraw his execution petitions after receiving the full and final settlement amount.

- e) That it is agreed between the parties that the execution petition filed by the second will be withdrawn within 15 days after receiving the second installment.*
- f) In case first party backs out from the compromise then the second party has right to claim the amount agreed in the settlement along with interest @ 24% per annum.*
- g) In case second party backs out from the compromise then the second party has no right to claim the amount agreed in the settlement as well as his right to recover amount mentioned in the recovery suits.”*

The settlement dated 24.07.2017 is ordered to be taken on record as Annexure Mark 'A' and it is further directed that the parties shall be bound by the terms and conditions contained in Annexure Mark 'A'.

In view of the above, both the appeals are disposed of in terms of the above settlement.

August 10, 2017
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No