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

CM No. 20270-CII of 2018 in/and
CR No. 1503 of 2015
Date of Decision: 25.09.2018

Jaspal Singh Sodhi (deceased) through LRs

-Petitioners

Vs

Jatinder Singh Dua and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashok Gupta, Advocate,
for the petitioners.

Mr. B.S. Bedi, Advocate,
for respondent No.1.

Mr. R.S. Athwal, Advocate,
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (ORAL)
CM No. 20270-CII of 2018

This is an application under Section 151 CPC for withdrawal of the present civil revision in terms of settlement arrived at between the parties.

With the concurrence of both the parties, the main case is taken up today.

Application stands disposed of.

CR No. 1503 of 2015

Vide order dated 06.09.2018, the matter was referred to Mediation and Conciliation Centre of this Court on the basis

of concurrence of the parties.

The issue was deliberated before the Mediation and Conciliation Centre.

Settlement dated 07.09.2018 has been arrived at.

In view of settlement, first party i.e. petitioners herein have agreed that if the Court fee is ordered to be refunded in terms of Section 16 of the Court Fees Act and Section 89 CPC, the same shall be refunded to the second party i.e. plaintiff and the first party will have no right over the Court fee.

The terms and conditions of the settlement are reproduced as under:-

“a. Both the parties have agreed to settle the dispute and as per the settlement, the first party has agreed to refund the earnest of Rs.12,00,000/- (Rupees Twelve Lacs only) alongwith an amount of Rs.8,00,000/- (Rupees Eight Lacs only) to the second party as full and final settlement, as such the first party has paid an amount of Rs.20,00,000/- (Rupees Twenty Lacs only) by way of Cheque No.988761 dated 06.09.2018, drawn on State Bank of India, Panjab University, Panjab University, Sector 14, Chandigarh, to the second party and has

assured that the same will be duly honoured on presentation. Photo copy of the cheque is attached herewith and the original cheque dated 06.09.2018 has been handed over to the second party today in the Mediation Centre, which is duly acknowledged.

b. The second party-Jatinder Singh Dua has accepted the aforementioned cheque as refund of earnest money and full and final settlement of all disputes between the parties with regard to agreement to sell dated 13.09.2005 in respect to H.No.2243, Sector 15-C, Chandigarh and as such, the second party shall withdraw the Civil Suit titled 'Jatinder Singh Dua vs. Jaspal Singh Sodhi and others', pending in the Court of Sh. Parminder Singh, Civil Judge (Junior Division), Chandigarh, pending for 06.11.2018, on or before the date fixed before the trial Court.

c. The first party shall withdraw the present Civil Revision Petition in view of compromise/settlement.

d. The first party has undertaken that if

*the aforementioned cheque is not honoured,
the Civil Suit will be revived.*

*e. That the first party has agreed that if
the court fees is refunded in terms of Section
16 of the Court Fees Act and Section 89 of the
Civil Procedure Code, the same shall be
refunded back to the second party/plaintiff and
the first party will not have any right over it.”*

Since the parties have amicably resolved their differences, therefore, plaintiff shall be entitled to the refund of entire Court fee as agreed between the parties in the aforesaid settlement/compromise. Terms and conditions of the settlement shall be binding upon them.

In view of settlement arrived at between the parties, learned counsel for the petitioners does not press this revision petition.

Dismissed as withdrawn.

25.09.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No