

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

120

CR No.1153 of 2017 (O & M)
Date of Decision:17.04.2018

Sandeep Kumar Bansal and another

...Petitioners

Versus

Satpal Bansal

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunny Deep Joneja, Advocate
for the petitioners.

Mr. Rajesh Gupta, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Defendants-petitioners are in the revision petition against the order passed by the learned trial Court refusing to dispose of the suit in terms of an alleged deed of the settlement arrived at by the parties to the suit.

Learned trial Court has noticed that the aforesaid alleged deed of settlement dated 07.11.2016 does not bear the signature of Ravinder Kumar Bansal, who is alleged to be party to the aforesaid settlement, although, he is not party to the suit. The Court has also noticed that the aforesaid alleged settlement is now being disputed by the plaintiff. With these observations, learned trial Court dismissed the application and directed the parties to proceed with the suit.

Learned counsel for the petitioner has vehemently argued that the aforesaid alleged deed of settlement dated 07.11.2016 has been implemented and an agreement to sell has been executed.

In the considered opinion of this Court, once parties to the alleged deed of settlement are disputing the correctness thereof and one of the person who was party to the aforesaid alleged deed of settlement has not signed the aforesaid alleged deed of settlement no error can be found in the order passed by the learned trial Court refusing to dispose of the suit in terms of the alleged deed of compromise.

However, taking into consideration, the pleadings of the parties, learned trial Court is requested to frame an issue on the correctness of aforesaid deed of settlement and permit the parties to lead evidence on that issue and decide the same along with the main suit.

Revision petition is disposed of.

17.04.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No