

Civil Revision No.1193 of 2018

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

Civil Revision No.1193 of 2018

Date of decision: 18.04.2018

Dinesh Gupta and another

.....Petitioners

versus

Ankit Gupta and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Rakesh Gupta, Advocate, for the petitioners.
Mr. Akshay Bhan, Sr. Advocate, with
Mr. Alok Kumar Jain, Advocate and
Mr. Abhishek, Advocate, for respondents No.1 and 2.

RAMENDRA JAIN, J. (ORAL)

Arguments have been heard at length.

During the course of arguments, both the parties have argued and consented for setting aside impugned orders dated 03.02.2018 (Annexure P-1) and 06.02.2018 (Annexure P-2) of the trial Court and to direct the trial Court to frame the following issues: -

- “(i) Whether the compromise/settlement dated 06.05.2015 and 26.11.2015 and the settlement of the parties recorded in the Court of Ms. Dazy Bangarh, Civil Judge (Junior Division), Chandigarh, is the outcome of blackmail, intimidation, manipulation, fraud, undue influence and coercion? OPP
- (ii) Whether the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 are applicable in the present case? OPP
- (iii) Whether the aforesaid compromise dated 26.11.2015 and decree dated 12.01.2016 are lawful and legally

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sustainable as per provisions of Order 23 Rule 3
CPC? OPP”

The trial Court is directed to frame the aforesaid issues afresh and to record its satisfaction as to whether a decree could be passed on the basis of aforesaid compromise.

Since the parties are litigating since long and relations among them are so thick as that of a father and son, therefore, it would be expedient in the interest of justice to direct the trial Court to decide the case within nine months. The trial Court would ensure the presence of all the official witnesses by adopting all means whatsoever under Order 16 CPC before closing the evidence of the petitioners. The petitioners shall be at liberty to give up any of the fifteen witnesses mentioned in the list of witnesses submitted by them.

With these observations, impugned orders are set aside and the petition is disposed of.

Both the parties are directed to appear before the trial Court on 24.04.2018 i.e. the date already fixed.

Nothing observed hereinabove in this order shall have any bearing on the merits of the case.

April 18, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.