IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2016 of 2018 (O/M)
Date of decision : 26.3.2018

Ashwani Kumar Sood .... Petitioner

Versus

Prem Kumar Sood and another .... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Adarsh Jain, Advocate, for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Impugned in present revision is order dated 12.2.2018, passed by the learned Civil Judge (Senior Division), Faridabad, vide which the Court has decided that dispute regarding consideration amount of compromise entered before the Court is to be decided once the evidence is led on the issues during trial.

It comes out that petitioner and respondent No. 1 are real brothers. The plaintiff sent E-mail on the basis of which both the counsels made the statement before the Court that compromise has been arrived at Rs. 50,00,000/-. The case was adjourned. The compromise (Ex.C1) was also filed. Now, application was filed by plaintiff stating that he was misled and that house was evaluate at Rs. 1,70,00,000/- and respondent was to pay Rs. 85,00,000/- alongwith Rs. 4,00,000/-, payable as income tax. Plaintiff claims that defendant had requested him that in getting the sale deed executed, he will have to pay substantial amount of stamp duty to the Government and he will also have to show the amount in income tax return which will create problem for him. Therefore, he was requested to send E-mail to show that agreement was of Rs 5,00,000/-. He was further requested to give an affidavit of full and final payment of Rs. 5,00,000/-. In this way, plaintiff was enticed to send E-mail and make statement.

Apparently, in the application, plaintiff claims that he has been defrauded by making misrepresentation. Proviso to Order XXIII Rule 3 CPC, 1908, provides that where adjustment or satisfaction is arrived at by one party and denied by other party, the question is to be decide by the Court. In the present case, such situation has arisen and the Court has rightly ordered to decide the same alongwith trial. It being so, there is no illegality or infirmity in impugned order. Since main petition has been dismissed, therefore, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

26.3.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No