

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

CR No.3062 of 2018

Date of Decision: 01.06.2018

**M/S AIMS BILLIARS AND CONSULTANS AND ANOTHER
.....PETITIONERS**

Vs

**MAHINDER PAUL GUPTA AND ANOTHER
....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Lalit Thakur , Advocate
for the petitioners.

Mr. Karan Nehra, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

[1]. On 08.05.2018, following order was passed:-

“Learned Senior counsel representing the petitioners contends that the execution has to be carried out strictly in terms of the decree passed by the Addl. District Judge-I Panchkula, wherein it has been prescribed that the petitioners are liable to pay rent to respondent No.2 strictly in terms of the agreement Mark-B w.e.f. 02.06.2009 (i.e. the date of becoming owner of SCO). Any rent deposited either by Smt. Anita Gupta or Smt. Kiran Gupta before the trial Court or before the Rent Controller or before the Lower Appellate Court shall be deducted.

Prayer of respondent No.2 for mesne-profit was declined. RSA is pending before the High Court. Petitioner has already vacated the premises within stipulated period. At this stage, the only grievance of the petitioner is that the decree passed by the Lower Appellate Court is not being executed in terms of the judgment and decree passed by the Addl. District Judge-1 Panchkula.

Notice of motion for 21.05.2018.

Process dasti as well.”

[2]. On 21.05.2018, the case was adjourned in order to enable both the parties to explore any chance of amicable resolution of dispute.

[3]. Today, both the parties have submitted before this Court that they have mutually agreed to give effect to full and final settlement. In view of understanding between the parties, petitioners would make payment of total amount of Rs.4 lacs towards full and final settlement and claim of the decree holder till date and thereafter, decree holder will not be entitled to claim any further amount towards arrears of rent or any other interest or cost etc.

[4]. Learned counsel for the petitioners placed on record, a compromise deed signed by both the parties in the aforesaid context. Petitioner has brought an amount of Rs.1 lac in cash today and the same has been handed over to respondent No.2 who is also present in Court and has been identified by Mr.

Karan Nehra, Advocate.

[5]. Mr. Anil Kumar Gupta, special power of attorney of petitioner No.1 undertakes to pay balance amount of Rs.3 lacs on or before 30.07.2018 and also undertakes to withdraw RSA No.2657 of 2016 pending in the High Court. On receipt of balance amount of Rs.3 lacs, respondent decree holder shall withdraw execution petition No.138 of 2016 pending in the Executing Court at Panchkula. If the balance amount of Rs.3 lacs is not paid on or before the target date i.e. 30.07.2018, the amount of Rs.1 lac paid today in Court shall be forfeited and the Execution Petition No.138 of 2016 shall be revived.

[6]. Disposed of accordingly.

June 01, 2018.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No