

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

**CR-6411-2017 (O&M)
Date of decision : 5.2.2018**

Satbir Singh

..... Petitioner

Versus

**Dalbara Singh @ Darbara Singh now
deceased through LRs**

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Karamjit Singh Chahal, Advocate for
LRs of the respondent.

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 ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 24.7.2017 (Annexure P-7), passed by learned Civil Judge, (Senior Division), Sangrur, vide which the Court decided to frame the issue regarding the compromise dated 16.3.2011 (Ex. C-1) and the statement dated 13.4.2011 (Annexure P-1) regarding the said compromise and decide the same.

I have heard learned counsel for the parties and perused the case file.

The background of the case is that respondent-plaintiff has filed a suit for specific performance of an agreement.

It comes out that on 13.4.2011, defendant-petitioner himself appeared in person and made the statement that he has effected compromise dated 16.3.2011 (Ex. C-1) with the plaintiff- respondent. He prayed that the suit may be decreed. However, it appears that the matter was adjourned. Subsequently, defendant-petitioner filed an application to withdraw the said admission. His statement was recorded on 18.12.2013 in which he had stated that he does not understand Punjabi, though he can interact in Punjabi. He could not properly understand the statement when it was read over to him. In any case, learned trial Court passed the order dated 18.12.2013 (Annexure P-3), vide which it was recorded that defendant-petitioner has withdrawn his statement. Therefore, the defendant-petitioner was advised that he should only append his signatures on the application or the statement so made in the Court after understanding and admitting the same to be correct. At the same time, plaintiff-respondent was allowed to file application for disposal of the case in view of the statement of defendant dated 13.4.2011. When such application under Order XXIII Rule 3, CPC was filed, the impugned order was passed framing the issue regarding the compromise.

I am of the view that as per Proviso to Order XXIII Rule 3, CPC, 1908 when a compromise is asserted by one party and denied by the other party as in the present case, proper course in such a case is to frame the issue and decide the question as per Proviso to Order XXIII Rule 3 CPC. What ever may be the reason and background, this was the proper course which was to be adopted by the learned trial Court.

In view of above, I do not find any illegality or irregularity in the impugned order dated 24.7.2017 (Annexure P-7), passed by learned Civil Judge, (Senior Division), Sangrur.

Dismissed.

(KULDIP SINGH)
JUDGE

5.2.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No