

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

Civil Revision No.7249 of 2018

Date of Decision: 25.10.2018

Naranjan Singh @ Master Naranjan Singh

..... Petitioner

Versus

Raj Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms.Swati Verma, Advocate for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

1. The petitioner is the defendant in the original suit filed by the respondents which was for specific performance.

2. On 9th September, 2016, a compromise was purportedly placed before the Ld. Trial Court, in pursuance of which the respondent gave a statement that he did not want to continue with the suit and sought its dismissal on the ground of the same being withdrawn. Three days later, he resiled from his statement by filing an application in which, it was contended that the statement/alleged compromise entered into by him was not voluntary, but on account of certain coercive methods imputed to the petitioner's side, and therefore, he desired that permission be granted to continue with the suit.

3. His prayer was allowed, since till that time, no formal order in view of the statement dated 09.09.2016 had been passed, nor the suit had actually been dismissed till that stage.

4. The petitioner is aggrieved that the Ld. Trial Court, and thereafter, Ld. Appellate Court should not have allowed the suit to continue,

since the respondent was manifestly misleading the Court by way of false averments to the effect that his original statement/acceptance of compromise was not voluntary.

5. Having heard learned counsel for the petitioner, it may be first of all observed that in its revisional jurisdiction, this Court is not expected to go to the question of determining the veracity of the allegations/counter allegations of the parties concerning the alleged voluntariness or otherwise of the respondent in having stated on oath that he had entered into the compromise, and did not wish to pursue the suit any further, which is essentially a factual dispute.

6. The bottom line is that he resiled from his statement just three days later, and in this manner, virtually withdrew/not pressed any formal application, which he was within his right to do so long as a final order on the basis of his earlier statement/application had not been passed by the Ld. Trial Court, on account of which the suit till that stage had remained pending.

7. This Court, therefore, finds no impropriety in the decision of both the Ld. Courts below. The revisional application is therefore dismissed.

8. However, the petitioner in the given circumstances, would be at liberty to file any additional written statement in support of the factual contention pertaining to the disputed compromise between the parties, within a specified time to be determined by the Ld. Trial Court.

25.10.2018
Anjal

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No