

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.8596 of 2017
Date of decision:17.02.2018**

Ram Bali Kain

...Petitioner

Versus

Madan Lal Jain and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Gurcharan Dass, Advocate for the petitioner.

ANIL KSHETERPAL, J. (Oral)

Petitioner before this Court is making efforts to resile from a settlement arrived at between the parties before the Lok Adalat.

Pursuant to the compromise arrived at, parties prepared a lay out plan and identified separate possession of the property in dispute. The suit was for possession by way of partition. So entire dispute was with regard to partition of the joint house, which was divided by the parties. Pursuant to the settlement Ex.PX, a lay out plan, was filed. Petitioner also appeared in the court and suffered a statement in writing admitting the correctness of the compromise Ex.PX, which was a lay out plan and made a statement that he shall remain bound by the settlement.

The suit was disposed of by the court by passing the following order:-

“On the basis of this compromise Ex.PX has been made part of this partition. Plaintiff suffered a statement that in view of this compromise for which the parties will be bound, he withdraws the present suit.

Suit stands dismissed as withdrawn. Parties will be

bound by the statement as well as partition made in the map Ex.PX. File be consigned to record room after due compliance.”

Later on, petitioner turned dishonest and filed objections on the ground that there is no legal compromise between the parties.

The learned trial court, after examining all the aspects of the matter, dismissed the same, vide order dated 19.04.2017. Petitioner filed an appeal which was also dismissed and now the petitioner is in the revision petition.

Learned counsel for the petitioner has vehemently argued that there was no compromise between the parties as there was no agreement in writing. The statement given by the parties in the court duly signed cannot be treated as a compromise in writing. He has further submitted that since some of the parties to the suit had not suffered statement in the court namely Kamla Devi, Bharti Jain and Savi Jain, hence, there was no settlement between the parties.

This Court has carefully considered the argument of the learned counsel, however, do not find any substance therein. In the present case, the plaintiff was Raj Kumar Jain. During the pendency, Shri Raj Kumar Jain died and Kamla Devi, Nitin Jain, Bharti Jain, Savi Jain and Rekha Jain were impleaded as legal heirs. The court has noticed that Nitin Jain was authorised by the remaining legal heirs of Rekha Jain in this regard. There were two defendants namely Madan Lal Jain and Ram Bali Jain. Both the defendants suffered a statement before the court duly signed by them and identified by their counsel acknowledging settlement between the parties. Kamla Devi, Bharti Jain, Savi Jain and Rekha Jain are not disputing this compromise/settlement. It is Ram Bali Jain, petitioner before this Court,

objecting to the validity of settlement. Once he has suffered a statement in the court, signed by him, petitioner cannot be permitted to resile therefrom. In the considered opinion of this Court, there was sufficient compliance of Order 23 Rule 3 of the Code of Civil Procedure, particularly when the parties had suffered a statement in the court signed by them. Still further, a lay out plan was prepared and separate properties were identified. Correctness of the aforesaid lay out plan was admitted by the petitioner while making statement in the court.

In view of the above, there is no ground to interfere in the impugned orders. The present revision petition is dismissed.

17.02.2018
mks

(ANIL KSHETERPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No