

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

**RSA No.2814 of 1988 (O&M)
Date of Decision:18.09.2018**

Jai Pal Singh (deceased) through LRs and others

...Appellants

Versus

Harbans Singh and others

...Respondents

COCP No.837 of 2017

Dheeraj Singh and others

...Petitioners

Versus

Harbans Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.S.Budhwar, Advocate for the appellants in
RSA No.2814 of 1988 and for the petitioners in
COCP No.837 of 2017.
Mr.S.M.Sharma, Advocate for the respondents in
RSA No.2814 of 1988 and for respondent No.1 in
COCP No.837 of 2017.
Mr.J.S.Cooner, Advocate for respondents No.2 to 7 in
COCP No.837 of 2017

ANIL KSHETARPAL, J. (ORAL)

CM-14515-C-2018

Applicants seek permission to bring on record the legal heirs of
appellant No.3.

Learned counsel for the respondents also does not have any
objection to the allowing of the application.

In view of the above, the present application is allowed,

however, subject to all just exceptions and only for the limited purpose of disposal of the appeal. Amended memo of parties is also permitted to be placed on record.

CM stands disposed of.

Main appeal

By this order, RSA No.2502 of 1999 and COCP No.837 of 2017 shall stand disposed of.

The plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing this suit for permanent injunction.

The plaintiff claims that he is in continue possession of the property as mortgagee. However, latest revenue record does not support the plea set up by the plaintiff.

During the course of arguments, learned counsel for the parties have arrived at a consensus. The terms of consenus are as under:-

(i)The plaintiff-appellant would be permitted to withdraw the suit for permanent injunction with permission to file a comprehensive suit by giving full particulars of the property which was mortgaged in favour of Yad Ram and portion of the mortgaged property which had fallen to the share of each legal heir.

(ii)Parties would maintain status quo with regard to existing state of affairs of the land for a period of one month or till filing of the suit, whichever is earlier.

Needless to say, any findings arrived at by the courts below in

the impugned judgments would not in any way adversely affect the rights of any of the party.

Both the cases are disposed of, accordingly. Pending application(s), if any, shall also stand disposed of, in terms thereof.

18.09.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No