

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

CM No.2289-C of 2010 and
CM No.18026-C of 2018 in
RSA No.2179 of 2004 (O&M)
Date of Decision: 04.12.2018

Surinder Singh

.....Petitioner

Versus

Smt.Panpori

.....Respondent

CORAM: HON'BLE MR. JUSTICE DR.RAVI RANJAN

Present:- Mr.Ravinder Malik, Advocate, for the applicant/respondent.

Mr.J.S.Chahal, Advocate, for the non-applicant/appellant.

DR.RAVI RANJAN, J. (ORAL)

CM No.2289-C of 2010 has been filed on behalf of the respondent for disposal of this appeal in view of the compromise arrived at between the parties which has been appended as AnnexureA-8 and for passing a decree in terms of compromise between the parties.

Respondent-Smt.Panpori filed Civil Suit No.460 of 1998 for declaration to the effect that the plaintiff is owner of 1280/2406 share in agricultural land described in the plaint i.e. total area 120 Kanal and 6 marlas situated within the area of village Naultha Tehsil Israna Distt. Panipat, for which jamabandi created in terms of the judgment and decree dated 07.08.1990 passed by Sub Judge, IInd Class, Panipat for the year 1990-91 in Civil Suit No.764 of 1990. She further sought declaration that the aforesaid decree is null and void, illegal and the result of fraud and, thus, that is not binding upon the plaintiff. A consequential relief was sought for possession of the land and for permanent injunction restraining the defendant from

Though the suit proceeded *ex-parte*, the same was dismissed by the trial Court vide its judgment and decree dated 19.02.2004. Civil Appeal No.17 of 2004 was preferred by the plaintiff-Smt.Panpori, assailing the aforesaid judgment and decree. The appeal was allowed *ex-parte* vide judgment and decree dated 21.04.2004 holding that judgment and decree was obtained in the earlier suit by the defendant-respondent by playing fraud and misrepresentation and as such, had created no title in favour of the defendant. The defendant was also restrained from alienating the land and decree of possession was also passed in favour of plaintiff for getting suit land back from the defendant. Till then, the defendant was restrained from alienating the suit land in any manner. The aforesaid judgment and decree of the first appellate Court is under challenge in this appeal.

However, the present application being CM No.2289-C of 2010 has been filed on behalf of appellant for disposal of the suit and appeal in terms of the compromise arrived between the parties out of the Court and a copy of which has been appended as Annexure A-8. The appellant has appended a copy of Annexure A-8 translated in english also. The affidavit in support of the compromise has been filed on behalf of Nishan Singh minor son of late Sh.Parmod Kumar, through his mother Smt.Meena Kumari, mother of respondent No.2.

On the earlier occasion, this Court had allowed the CM No.3658-C of 2010 under Order 1 Rule 10 read with Section 151 CPC for impleading the minor Nishan Singh as party/respondent vide order dated 29.11.2018.

The essence of the compromise is that both the sides have agreed that the property i.e. suit land measuring 120 Kanal and 6 marlas should be

his mother/guardian Meena Kumari. Respondent No.1 is grandmother of the Nishan Singh-minor and appellant is *nanad's* son (son of sister of the husband) of respondent No.1. After perusing the terms of compromise, I am of the opinion that the terms arrived at between the parties are lawfull and acceptable to both the parties as both the sides agree that the property should be given to minor respondent No.2.

Accordingly, the compromise arrived at between the parties is accepted and the suit and appeal are disposed of in terms of the compromise. The compromise (Annexure A-8) attached with the application will form part of the decree. Let the decree be drawn accordingly.

(DR.RAVI RANJAN)

JUDGE

04.12.2018

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<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>